

# THE CALCUTTA JOURNAL.

OF

## Politics and General Literature.

VI.]

FRIDAY, DECEMBER 13, 1822.

[No. 298

### SUMMARY OF NEWS.

— 579 —

#### Politics of Europe.

The Shipping Report of yesterday contained no mention of Arrivals from England.

The only News we have heard from the Portuguese Ship which left Lisbon on the 1st of August, is, that at the period of quitting the Tagus, an Expedition was fitting out for the Brazils, in order to bring back that country to its old subjection to Portugal; in which, however, they are not very likely to succeed.

*Changes in our Trade and Navigation Laws.*—Five bills emanating from the inquiries, and introduced with the commendation of the Committee on Foreign Trade, have failed to excite that attention which they deserve. Though three of them have already passed both houses of Parliament, and only wait the Royal sanction to become laws, and one of them is in the last stage of its progress through the upper house, we do not remember that they have become the subject of much public discussion. Their importance is beyond all question, not only from the effect of their enactments, but from the nature of the system of which they mark the commencement; they being the first instance in which practical statesmen have acted under the avowed direction of the more liberal principles of political economy. This must plead our apology for returning to a short notice of the contents of the three which have passed both houses. The first and the least important, though by far the longest, as it embraces a considerable portion of the venerable absurdities of former times with respect to commercial regulation, is entitled "An act to repeal divers ancient statutes and parts of statutes, so far as they relate to the importation and exportation of goods and merchandise from and to foreign countries." It includes such acts as were passed between the reign of Edward III. and the date of the navigation law, 12th of Charles II., and which, though inconsistent with subsequent acts or rendered unnecessary by them, have hitherto remained unrepealed. The most of the laws thus erased from the statute book having previously fallen into disuse, and being only known to antiquarian research, produced as little effect as those against sorcery or witchcraft. They are remarkable throughout for the encouragement which they gave to foreigners to settle among us and trade with us, without passports or alien bills. It is enacted in the 9th of Edward III. that no alien or denizen shall be troubled in his trade, but may freely buy or sell as he pleases; and afterwards, in the 14th of the same reign "that all merchants, denizens, and foreigners, except those which be of the King's enmity, may, without let, safely come into the realm of England with their goods and merchandise." In the reign of this Prince, a prohibition was enacted against the importation of foreign-made cloth, and an unlimited liberty granted to foreigners to come and buy English wools, the repeal of both of which provisions by the bill before us furnishes, in the estimation of some, the only objection against it. Foreigners are not only encouraged to enter, and protected during their stay, but are ordered to be paid ready money for their goods, and are provided with a residence in the towns at which they arrive. In several statutes it is enacted, that aliens shall not sell to aliens—a restriction in which there seems to be little wisdom, even according to the notions at that time entertained of commerce. Among some of the statutes which have become ob-

solete by a change of manners or habits of life, may be reckoned those respecting the importation of hawks, long bows, arrows, and shafts, beads, Popish relics, rosaries, breviaries, portals, legends, and lives of saints. There is no law repealed in this bill that the most zealous foe of innovation, or the most ardent admirer of "the wisdom of our ancestors," would wish to preserve.

The second bill is entitled "an act to repeal certain acts and parts of acts relating to the importation of goods and merchandise," and cancels statutes and parts of statutes enacted during and since the reign of Charles II., "in order that other regulations relating to importation may be declared consolidated and comprised in one act." After a preamble stating this object, it proceeds to repeal the third article of the navigation law, or that which enacts that "no goods of the growth, product, or manufacture of Asia, Africa, or America, shall be imported into England, but in such ships as do truly belong to English people, and are navigated by a master, and three English mariners; and the fourth, which enacts that "no goods or commodities of foreign growth, production, or manufacture, which shall be brought into England otherwise than in ships built and navigated as above shall be shipped from any other place but the place of their growth, production, or manufacture, or from those parts where they can only be, or usually have been, brought," together with the 8th section of the same act, which relates to the importation of goods from Russia and certain enumerated and Turkish goods; and the 12th and 14th sections, which relate to the importation of any commodities from the Levant seas, or the importation of commodities the growth, production, or manufacture of Spain and Portugal, respectively, from any of the ports of Spain and Portugal, or the Western Isles, Madeira, or the Canary Islands." Then follows the repeal of various other acts, and parts of acts, from the reign of Charles II. down to the present, the cancelling of which was necessary to make way for the provisions of the third bill, entitled "An act, for the encouragement of navigation and commerce, by regulating the importation of goods and merchandise, so far as relates to the countries or places from whence, and the ships in which, such importation shall be made." Though navigation and commerce are intimately connected, and have generally been found to flourish together, there are circumstances in which their interest seem to be opposed to each other. It is plain that we cannot have a great commercial navy without a great commerce; but it is not so plain that we might not have a great trade without a great shipping, and that we might not find it our interest to employ foreigners as our carriers. By proceeding on a policy which would encourage trade at the expense of shipping, we might gain for a time in commercial profit, but we should lose in national power, commercial security, and maritime influence. In a contest, therefore, between the two interests, it is easy for every patriot or even every enlightened merchant to decide which should yield. National power and maritime greatness, which in a country like England must depend upon the extent of its commercial shipping, must never be sacrificed to obtain cheaper commodities, or to please foreign customers. Our coasting trade, our colonial trade, and our fisheries must be exclusively carried on in British vessels; and all our intercourse with foreign nations must be conducted by the

same means, so far as they will permit, or the well-understood interests of our shipping require. This has been the principle of all our navigation acts. In the 5th of Richard II. (A. D. 1381) we have the first rude draught of a law avowedly directed towards the increase of shipping, as distinguished from trade or commerce. The object of that law was, "that for increasing the shipping of England, of late much diminished, none of the King's subjects shall hereafter ship any kind of merchandise, either outward or homeward, but only in ships of the King's subjects, on forfeiture of ships and merchandise; in which ships, also the greater part of the crews shall be King's subjects." This law, which if rigidly enforced would have excluded every foreign vessel from any of our ports, and severely crippled if not entirely destroyed all foreign trade, was relaxed in the following year by a proviso that allowed merchants to "employ foreign ships where no English ships could be had."

In the first of Queen Elizabeth, the navigation laws, prohibiting exportation or importation in any but English built ships, was repealed, and a duty equivalent to the duty on aliens imposed instead of them, on natives who did not employ English ships. The reason for repealing these statutes is one which ought never to be lost sight of in legislating on affairs where foreigners are one of the parties, and no doubt dictated the relaxations of law in the present bill. It is stated in the preamble as follows, "that since the making of the said statutes, other sovereign princes finding themselves aggrieved with the same acts, as thinking the same made to the hurt and prejudice of their country and navy, have made like penal laws against such as should ship out of their countries in any other vessels than of their several countries and dominions, by reason whereof there hath not only grown great displeasure betwixt the foreign Princes and the Kings of this realm, but also the merchants have been sore grieved and damaged." This state of the law continued till the year 1651, though it was well understood that our naval power depended on the extent of our shipping, as had been pointed out by Lord Bacon, who, in remarking on a restrictive law of Henry VII. observes with praise, "that his Majesty took care to make his realm potent at sea as well as by land, for our ancient statutes incite by all means to bring in all sorts of commodities having for end cheapness, and not looking to the point of state concerning the naval power."

In that year the famous general navigation act was passed by Cromwell, and the Rump Parliament, to give employment to English shipping then rotting in our harbours, and to counteract the Dutch, who, working at a lower freight, supplanted us in the trade of our own colonies, and seduced the sailors from our own vessels. The remedy for these evils was adopted with the more readiness, that while it promoted the interest of our navigation, it struck a blow at the prosperity of a republic, which, by its haughty carriage to the Protector, and repeated acts of favour to the partisans of the exiled family, had incurred the high displeasure of the English Commonwealth. The act, then, was to the effect, "That no merchandise, either of Asia, Africa, or America, should be imported into England in any but English-built ships, and belonging either to English or English plantation subjects, navigated by an English commander and three-fourths of English sailors, excepting such merchandise as shall be imported directly from the original place of their growth or manufacture in Europe solely." This act occasioned loud complaints from the merchants of that period, who strongly objected to the payment of high freights to English, when they could hire foreign shipping at a lower rate; but it was found so conducive to the interests of our shipping, and through it to the strength of our navy and the security of our empire, that it was re-enacted in an improved and extended form on the Restoration, nine years afterwards, and has continued, with such modifications as circumstances required, to be, as Sir Josiah Child calls it, our *Charta Maritima* ever since. Some of those modifications made by the bill, whose title we have given above, are important and necessary. While the general principle is maintained, the act is adapted to the altered situation of the world. By the former act, South American produce could

only be imported from certain ports in Spain or Portugal, or in Portuguese and Spanish ships. By this bill "goods of any country or place in America or the West Indies, belonging to or which have belonged to Spain, may be imported direct from the place of growth in ships of the country. The rights and duties of the parties are reciprocal. No importation is permitted in foreign ships from any port in America or the West Indies, where British ships are not admitted. We have no room to state the other provisions of the bill, but we think that, both in the continued selection of the enumerated articles which must be imported exclusively in British ships, or in ships belonging to the place whence the commodities come, and in the relaxations which it allows of the law with regard to Holland, &c. it has been drawn up with great wisdom and sound knowledge of commercial principles.

So long as 1817, Mr. Brougham pointed out similar amendments in our navigation laws, as a means of improving the national resources; but the recommendation came from the wrong side of the house, and his motion was met by "the previous question."

**Reductions at Portsmouth.**—The reductions made by the Commissioners of the Navy in the dock-yard establishment at this port, as well as other arrangements connected with the mode in which the duties therein shall be performed, have been received; the new regulations are to be acted upon on the 1st of July. The reductions consist of the abolition of the offices of the Clerk of the Survey and Clerk of the Rope-yard: the duties hitherto performed by whom are to be transferred to the Clerk of the Check and the Storekeeper. Fourteen clerks, the whole of the quartermen and foremen, with the master mast-maker, master boat-builder, master carpenter, and master joiner, are to be discharged. The master sail-maker, master rope-maker, master rigger, master blacksmith, and master bricklayer, are to be retained. The arrangements arising out of this reduction are these: six foremen are to be appointed to conduct the general business of the Yard, under the instructions of the master shipwright; the gangs of workmen, consisting hitherto of 30, are to be sub-divided either into 10 or 15 men, as the measure may require, from which one man of each gang is to be selected to superintend as well as work, who will receive for such superintendence, in addition to his earnings, 2s. 6d. per week.

The clerks to be retained in the various offices (forty-four) are to be separated into three classes, and paid according to servitude. The number of the first class is to consist of five, viz. one in the Commissioner's office, two in the Clerk of the Check's office, and two in the Storekeeper's office. The minimum of the salary of this class is 300l.; salary to be increased 10l. annually, until it shall amount to 450l. which is to be the maximum. That of the second class is to be comprised of ten clerks, the minimum of which will be 150l., and the maximum 300l.—the salary to be increased upon the same principle as observed in the first class: so also with the third class, which is to be composed of the remainder of the clerks, viz. 29; the minimum of the salary of which being 80l., and the maximum 150l. None of the salaries enjoyed at present by any individual retained will be reduced, except by the operation of the superannuation act. The commissioner of the dock-yard is to have a secretary.—*Times*, June 23.

**Letter from Paris.**—The theatres of Paris, which are twelve or fifteen in number, having, during the Easter holidays, recruited their companies and undergone repair, opened with renewed activity on Easter Monday. Since that time, at least twelve new dramas have been produced; for novelty in dramatic entertainments is indispensable to the Parisians. According to custom during Passion-week, the idlers of Paris visited Longchamps for the sake of displaying their new dresses and equipages. In spite of the Revolution this custom has been kept up, because it at once affords gratification to vanity and encouragement to industry. At the period of these promenades, the milliners, tailors, and coachmakers can scarcely execute the numerous commissions they receive. All wish to appear very gay at the promenade of Longchamps; and from the novelty and variety of the ladies' dresses, one might be tempted



to believe that all the milliners' shops in Paris had been emptied. But the uncertainty of spring weather often renders all these preparations useless; and so it has happened this year: the coolness of the season has obliged the ladies to wrap up and to reserve their spring dresses for milder weather. In conformity with another custom equally old, the evening succeeding the promenades of Longchamps, are devoted to the Spiritual concerts. These performances formerly took place at the Thuilleries, but for some time past they have been given either at the Grand Opera or the Opera Italien. To justify the title of Spiritual, a few sacred pieces of music are still performed, but the rest are, in general, decidedly profane, and the sacred pieces are not always the most successful. A complete Oratorio would tire a French audience, and therefore selections are made from sacred compositions; and the grand object is to give the concert as much variety as possible, for variety is every thing with us. At the spiritual concerts this season there were introduced a part of Haydn's Creation and Beethoven's Oratorio of the Mount of Olives, which has not been hitherto very well known in Paris, but which was favourably received. Beethoven is not sufficiently known in France; it is indeed only the connoisseur who can appreciate his merits as they deserve. There were introduced some serious pieces and some lively compositions of Rossini, the fashionable composer of the day, who has now a very strong party in France, though his admirers here are less enthusiastic than the Rossinists of Italy. Only a few of his operas are, however, energetically applauded by the public; the others appear too insignificant, or too full of repetition, (a fault which predominates in the works of Rossini.) A pupil of M. Kreutzer, the celebrated composer and violin performer, also appeared at these concerts. Kreutzer discovered this young man when a child, in the street, playing, or rather scraping the violin to excite the charity of passengers: and observing that he evinced extraordinary talent, he undertook to become his instructor, and has rendered him an excellent performer. This young debutant played one of Kreutzer's concertos with great success.

Among the theatrical productions, those which have been most successful are the melo-dramas of the *Theatre des Boulevards*, where showy spectacle is considered to be the test of dramatic excellence. Thus the melo-drama of Kenilworth, performed at the *Theatre de la Porte St. Martin*, principally owes its success to the trap-door through which the Countess of Leicester falls from a height of forty or fifty feet. The servant-maids of whom the female part of the auditory is chiefly composed, utter a shriek of horror, though they return to the Theatre night after night to be terrified anew.

*French Expedition to St. Domingo.*—Letters dated the 17th of April were received yesterday from Port-au-Prince, which contain some information, apparently authentic, respecting the French expedition to Samana, and the subsequent embargo on foreign vessels, on the real grounds of which scarcely any thing was before accurately known. The following official letter from President Boyer on the subject has been published at Port-au-Prince:—

"Jean Pierre Boyer, President at Hayti, to the Citizen Colomdel, his Private Secretary at Port-au-Prince.

"St. Domingo, March 1, 1822, 19th year of Independence.

"I have received your last letter, which my great occupations have hindered me answering.

"I thank you for the advices you have given me, and beg you will continue them.

"I inform you that French men of war were called to Samana by some Frenchmen that are established there, and by some Spaniards discontented with the change in favour of liberty: they have attempted a debarkation on that island, in the view to carry away all the *ci-devant* slaves in the province which remained in that place; but their project failed at Samana, where I had sent in due time General Toussaint, with forces that will secure that important place from a *coup de main*, which they had effected on Savannah la Mer, and forced to a retreat a little detachment of 12 to 15 soldiers, which General Toussaint had left there. Informed of this event, I ordered immediately General Arcey la

Riviere, with the 27th regiment, to repair and relieve Savannah la Mer, if, contrary to my expectation, the enemy still occupied it.

"I have taken all the necessary measures for the maintenance of order and defence of the territory from any unforeseen accident.

"I have also transmitted the same particulars to General Thomas Jean, in order to contradict the alarming reports spread by malevolent people to disguise the facts.

"Every thing is in perfect tranquillity. I hope to receive news from you by Captain Viner, who will deliver you the present, and who will join me in the Cape, whither I shall lose no time in repairing. (Signed) "BOYER."

We subjoin a letter from a commercial house at Cape Hayti, to shew the spirit by which the Government was characterised in enforcing the embargo:— "Cape Hayti, March 28.

"It is true that the Government has laid an embargo on all ships without any distinction; it is only since last night that it was taken off English and American ships, on the condition that they have no French property or individuals on board. The said embargo is exclusively on French ships; and, according to the explanation given by the President, it seems that these measures taken against the interest of the French nation are only provisionally to hinder the going out of their ships."

It is ascertained by a vessel arrived at Havre, that the embargo with respect to French vessels also was finally raised on the 7th of April, on an understanding that all the slaves carried off by the ships of the expedition should be restored. We are still without authentic accounts of the manner in which the French force at Samana proceeded on their landing respecting which the American prints have published statements not very honourable to the conductors of the expedition, but which are, in all probability, much exaggerated.

*Indians of Newfoundland.*—The last Number of the JOURNAL des VOYAGES contains a curious article on the Civilization of the Indians of Newfoundland, of which we submit a translation:—

"M. de Venancourt, Lieutenant in the Navy, commanding the French Station in Newfoundland, and charged in 1821 to explore the coasts of that island, became acquainted in the harbour of St. Georges, with two tribes of Indians who, put together, do not form more than 100 families. The first is originally from Cape Breton, and the second from Labrador. They live by hunting and fishing, and bear the names of the *Miomachs* and *Mountaineers*. These savages are all Catholics; of a mild disposition and very much attached to the French. There is among them some descendants from Bisayan Sailors, who frequent these latitudes in the fishing season: The number of French Fishermen amounting to seven thousand during that season, and the Catholic Savages, joined to some families of Irish origin who inhabit the coast of Newfoundland, forming a population of many hundreds of individuals, there should be a Chaplain on board the vessel that commands the station, who might serve at the same time for both the Sailors and the savages. He would visit them, instruct them, and his presence might thereby attract others into the establishment.

"M. de Venancourt was a witness of the attachment of these people to religion. A few days after his arrival in the harbour of St. Georges he received a visit from the chief of the tribes, who showed him a cross appended to his neck. It was a Friday. The French Officer having caused a repast composed of both flesh and fish to be served up, they refused the flesh and ate only of the fish. The Sunday following M. de Venancourt at their invitation attended their public prayers. They sung the Mass from a Book written by them. There is reason to think that some of the ancient Missionaries who had learned their language, had taken the trouble to translate for them the principal prayers of the sacrifice. These Savages, says the narrative, had erected among them a small altar decorated with a Christ and other pious images. They had even added to it a Portrait of the King (of France) and a picture representing the marriage of the Duc de Berri. M. de Venancourt has taught them the *Domine, salvum fac regem*, the air of which they have acquired perfectly and put in their books."—*Hurkaru*.

## Statistics of Spain.

In the UNIVERSAL (Madrid Paper) of the 31st May, the following statement is given of the present Population of the respective Provinces into which Spain was divided by the Cortes in 1821:—

Provinces.	Population.	Provinces.	Population.
Alicant, .....	249,692	Madrid, .....	290,495
Almeria, .....	198,762	Malaga, .....	290,324
Avila, .....	113,135	Murcia, .....	252,058
Badajoz, .....	301,225	Orense, .....	300,870
Barcelona, .....	353,206	Oviedo, .....	367,501
Bilbao, .....	104,186	Palencia, .....	128,697
Burgos, .....	206,095	Palma, .....	207,765
Cadiz, .....	281,293	Pamplona, .....	195,416
Caeceres, .....	199,205	Salamanca, .....	226,882
Calatayud, .....	105,947	Santander, .....	175,152
Castellon, .....	188,079	San Sebastian, .....	104,789
Chinchilla, .....	186,260	Segovia, .....	145,985
Ciudad Real, .....	296,525	Seville, .....	358,811
Cordova, .....	337,265	Soria, .....	195,108
Corunna, .....	357,970	Tarragona, .....	194,782
Cuenca, .....	296,650	Teruel, .....	105,191
Gerona, .....	191,243	Toledo, .....	302,470
Granada, .....	346,984	Valencia, .....	346,166
Guadalaxara, .....	222,655	Valladolid, .....	175,100
Huelva, .....	139,817	Villatranca, .....	86,385
Huesca, .....	182,845	Vigo, .....	327,848
Jaen, .....	274,930	Vittoria, .....	77,465
Jativa, .....	161,257	Zamora, .....	142,385
Leon, .....	180,567	Sarragossa, .....	315,111
Lerida, .....	138,560		
Logrono, .....	184,217		11,248,026
Lugo, .....	253,708		

**New Species of Stocks.**—The different kinds of foreign securities for sale on the Stock Exchange, and the Royal Exchange, have now become so numerous, as to create not a little perplexity to inexperienced speculators, whose idea never wandered beyond three per cent. Consols.

Calculating on the disposition to engage in new loans speculations, and wishing to practice a hoax on a simple broker with less wit than money, and very little of either, a Capelcourt humourist brought into the market a few days ago a new species of security, which he entitled *China Turnpike Bonds*. The thing seemed to take amazingly with the persons who were in the secret, and who contrived to be in company with the intended subject of the joke when new stock was announced. It was brought out at 12 per cent., bearing 5, if not 10, per cent. interest, and every one present expressed wonder at such an opportunity of springing into an unexpected fortune. The Columbian bonds, which from being so low as 990 rose to 100 and higher, struck the astonished fancy of the eager broker. He immediately became a purchaser for some distant settling day to as great an amount as he could. Other purchasers arrived, and likewise bought largely. As the demand increased, the security improved. The rise in the stock was rapid beyond example, and our annuitant on Chinese turnpikes bought with as much alacrity as if the whole land of the "Celestial Empire," canals, roads, bridges, junks, and pagodas into the bargain, had been mortgaged for the payment of his bonds. "It could not rain but it poured;" and the flood of fortune rose so high about him, that he floated on a tide of prosperity, which in his happiest dream he had never pictured. "I am a gainer of 30,000l.," (said he, in amazement.) "I never thought I should have been so rich." At this period the late melancholy news from Canton arrived, and the produce of Chinese turnpikes was not likely to be paid to the subjects of a nation with whom the Chinese prohibited all intercourse. The bonds of

course fell as rapidly as they rose, until they had declined to 2 per cent. Like Alnaschar, our broker, saw all his imagined riches vanish in a moment, with differences against him far greater than he was able to settle, and Chinese turnpikes became a sudden bar in the road to fortune. He disappeared for a few days, and strong suspicions were entertained of his sanity or his life. At last he returned, and had the pleasure to find that China Turnpike bonds were again improving, his bonds were bought back at the original price, the joke of which he had been the subject was explained to him, and he was cautioned to speculate no more in bonds of the Emperor of China or of the Grand Lama.—*Times*.

**Advantages of unrestricted Competition.**—In the Report of the last Frankfort fair in the *Allgemeine Zeitung*, it is observed—"The purchasers of English cotton goods affirm that for these four or five years the English have never had so many tasteful patterns as were brought to this fair. Formerly the tastelessness of many English patterns was a general subject of complaint, and the Swiss manufacturers had actually succeeded with respect to taste in the choice of a pattern, in throwing the English far behind them.—The same might be said of the French manufacturers.—This time, however, the same reproach could not be made to British industry. The Swiss manufactures, several distinguished houses more particularly, were not deficient this year in taste, but they seemed more suited to the taste of particular countries, but the judgment respecting the English was, they were more generally acceptable. The good printed English cottons were nearly of the same price with the Swiss."

**Cribb's Farewell to the Stage and Prize-Ring.**—Saturday the Champion of England made his last farewell bow to the Amateurs at the Fives Court. The sets-to, generally, were good.

The Champion of England and Spring ascended the stage, amidst loud approbation. Cribb was decorated with the belt, in the front of which are a couple of silver fists, on each side are two large circles of silver plate, with inscriptions engraved on them. The belt is about four inches wide, and made of fawn-skin. It was an excellent combat; and although Tom had a touch of the gout, he displayed great activity. But the awful moment had now arrived for poor Tom to say FAREWELL! He scratched his *nob*—looked about him, his heart full of gratitude, at a loss what to say—and his *chaffer* almost forsook its office. After a struggle to give vent to his feelings, Tom at length ventured to hold forth in the following words.

"Gentlemen, I return you thanks for your kindness this day (a short pause and confused). Indeed, Gentlemen, I sincerely thank you for all the favours you have conferred on me, I do indeed (a long pause, and as if Tom could not get out his words), Gentlemen, may your purses never fail you."

Cribb now retired, amidst long and loud plaudits, accompanied with "It will be long time before we shall look upon your like again in the prize-ring."

Spring now mounted the stage, and thus addressed the spectators:—"Gentlemen, I once more present myself to your notice (rather agitated); but as my old dad has retired from the stage and the prize ring altogether, and as I have stood next to him for some time past, I mean now to stand in his place, till I am beat out of it" [great applause]!

An Amateur and Spring went up to Tom Belcher, and informed him that Spring was ready to fight Neat for 300l. "Very well," replied the Hero of the Castle; "now I know what you mean, we will talk about it. I shall name it to Neat." There is no doubt a match will be shortly made between these "big ones."

Seroggins, on Saturday, at the Fives' Court, offered to fight the Gipsy, or Bishop Sharpe, at Epsom Races, after the Oaks are run for.



# PARLIAMENTARY.

—583—

## Imperial Parliament.

HOUSE OF LORDS, THURSDAY, JUNE 20, 1822.

### EAST INDIA AND WEST INDIA TRADES.

The Marquis of LANSDOWN presented two petitions, one from merchants of Liverpool, and the other from ship-owners and others of the same place, interested in the private trade to the East Indies. As these petitions merited consideration, not only on account of the respectability of the individuals from whom they came, but of the importance of the subject, he thought it necessary to call their lordships' attention to them. They referred to the bills before the house for granting particular advantages to the colonies and the West India trade, and contended that an equivalent ought to be granted to the East India trade, by removing some of the restrictions and burdens under which it is placed. The petitioners were of opinion, that the vessels might be allowed to trade to India of a smaller tonnage than the law at present permitted. The Americans traded to India and China in vessels considerably smaller than those which sailed from this country, though the voyage from America was dangerous. The Americans, however, derived a great advantage from the small size of the vessels employed in this trade. To this point the petition of the ship-owners was more particularly confined. The other petition, which was from the merchants of Liverpool, prayed that the duties on sugar and other East India produce might be reduced. It would be admitted by their lordships, that it was of great importance that a demand for our manufactures should be created in foreign countries; but such a demand could not exist unless foreign countries had the means of making returns. There was no limit to the extension of our manufactures, if we could take in return the productions of other countries. Their lordships possessed in India a population of from 70 to 100,000,000. This might be a great market for British manufactures, for the desire of the population to consume would only be limited by their ability to pay. Among the articles of the produce of India, sugar was one of general consumption, and one the reduction of the duty on which would be highly beneficial. To admit it for consumption in this country was indispensable to the prosperity of the India trade, which prosperity was essential to that of our manufactures. Instead of imposing duties which excluded articles from general consumption, the truly wise policy would be to admit to consumption as far as possible the produce of foreign countries; for it was certain that if we took their produce, they would have our manufactures in return. To grant a monopoly to any body in a country, was generally considered injurious; and if this was admitted, their lordships must conclude that when a monopoly was granted to one part of the subjects of a country against another part, the measure rested on still less justifiable grounds. He thought, therefore, that the claim of the petitioners was entitled to their lordships' serious consideration. At the same time he must confess, that there was one statement in the petition, to the correctness of which he could not accede. It was said that our West India colonies were incapable of supplying the demand of the country for sugar; but when he considered the state of cultivation to which our colonies had arrived, he could not go along with the petitioners in this opinion. The petitioners alluded to the decline of the trade of sugar-refiners, and it was stated that in the course of a few years, the number of persons carrying on that business had diminished from 350 to 230. He therefore thought that foreign sugar might, with proper securities, be introduced under bond for refining.

Earl BATHURST, on the petitions being read, observed that the demand made on their lordships amounted to this—that they should no longer extend a particular protection to the West India colonies, but place the East India sugar on an equal footing with that of the West; but the bills before the house formed no ground for such a demand. The whole exports and imports of the colonies were confined to British shipping, and no reason could be assigned for withdrawing the protection of the country from the West India trade. It was true the bills allowed the sugar of the West Indies to be carried to different parts of Europe, but this was no new indulgence. It had been given to the colonies by a former act; but in consequence of the provisions with which it was clogged, they had been unable to take advantage of it. The petitioners had asserted that the West India colonies could not produce an adequate supply. If they could make out this assertion, he was ready to admit that their claim would be entitled to consideration; but it was well known that nothing could be more unfounded. The truth was, that the supply was infinitely greater than the demand. His lordship then repeated several of the arguments he had used in support of the bills on the second reading. He did not, however, mean to say that under no circumstances the trade ought to be opened to the public, but as yet no case had been made out for withdrawing the protection of the country from the colonies. He concluded by moving that the colonial trade bill do pass.

The Marquis of BUTE did not object to the principle of the bill, but contended that, as a boon granted to the West Indies, a clause ought to be introduced compelling the registration of slaves in the colonies. He concluded by moving a clause to that effect.

Earl BATHURST saw no reason whatever for admitting the clause proposed by the noble marquis, as it had no connexion whatever with the present bill.

Lord HOLLAND also objected to the introduction of the clause; as to make registration a condition of the present bill would be to manifest an improper jealousy of the colonial legislatures. What would be the condition of the slaves, if in consequence of the introduction of this clause the advantage offered should not be accepted by the colonies? Interchange between America and the West Indies was indispensable to the maintenance of the black population in the latter. In consequence of that intercourse having ceased during the war, no less than 15,000 of those unfortunate beings had perished. When their lordships consented to abolish the inhuman trade by which the natives of Africa were transported to the colonies, it was always considered as a consequence that the slaves would receive better treatment from their owners. This was evidently the interest of the proprietors, and their lordships had better trust to the operation of that principle of interest. While speaking on this subject, he could not help expressing his regret that the persons at the head of the Government of this country did not avail themselves of the opportunity afforded at the late peace for the complete abolition of the slave trade. That opportunity was unfortunately lost, and he was afraid that the trade was now carried on by foreign countries to a greater extent than ever.

The Marquis of BUTE urged the propriety of introducing the clause he had moved, but, after some observations by the Marquis of LANSDOWN, Lord HOLLAND, and Earl BATHURST, consented to withdraw it.

An additional clause of an explanatory nature was, on the motion of Earl BATHURST, added to the bill, which then passed.

The West India and American intercourse bill was also passed.

### THE BANK OF ENGLAND.

Mr. RICARDO asked the Chancellor of the Exchequer whether it was his intention to persevere in the determination which he had expressed some time back of extending the charter of the Bank, of England for 10 years longer, and of giving power to country banks a distance of 65 miles from the metropolis, to increase the number of their partners.

The CHANCELLOR of the EXCHEQUER replied, as we understood, that the carrying of his intention into effect must depend upon the decision to which the Bank might come upon the subject.

The CHANCELLOR of the EXCHEQUER then moved for leave to bring in a bill to regulate certain contracts affected by the conversion of 5 per cent. stock into 4 per cent. stock.

Mr. GRENFELL took this opportunity of declaring himself dissatisfied with the answer which the Chancellor of the Exchequer had made to the question of the member for Portarlington. The right honourable gentleman had replied, that it depended upon the Bank whether the charter would or would not be extended for 10 years longer. Now, the object of the question of his hon. friend was to discover what were the intentions of the Government, and not of the Bank.

The CHANCELLOR of the EXCHEQUER said he could give no further information on the subject.

Mr. MABERLY observed, that before the house resolved to continue to the Bank its present monopoly, it ought to appoint a committee to inquire what was the amount of interest paid by Government to the Bank.

Mr. ELLICE thought that the extension of the Bank charter was too important a question to be moved at this late period of the session. He hoped that the Chancellor of the Exchequer would petition the Bank, for they appeared to be his superiors, not to press the consideration of that important question upon the house. The object of the Chancellor of the Exchequer in proposing to extend the charter of the Bank, was to increase the circulation of the country; but an event had this day occurred, which would materially alter this view of the question, if it came to be discussed: he alluded to the determination of the Bank to discount at 4 per cent.

### HIGHGATE CHAPEL BILL.

Mr. BYNG stated, that as many persons object to the above bill in its present form, he would not attempt to proceed farther with it during the present session: he therefore moved, that it be read a second time this day six months.—The motion was agreed to.

The Marquis of TITCHFIELD presented a petition from the tradesmen of Mansfield, in Nottinghamshire, against the hawkers' and pedlars' act.

Sir THOMAS ACLAND presented a petition from the inhabitants of Bampton, in Devonshire, praying for protecting duties upon the importation of foreign butter.

The Irish taxes' act went through a committee.—Report to-morrow.

The third reading of the Irish hearth and window-tax bill was postponed till Monday next.

## SCOTCH JURIES.

Mr. KENNEDY moved the second reading of his bill upon this subject; and called upon the Lord Advocate to prove (as he had asserted) that the measure proposed was unwise and uncalled for. His objections to the existing mode of appointing criminal juries in Scotland were briefly these:—In the first place, the Lord Advocate had the power of committing for trial, without the intervention, as in England, of a grand jury. Secondly, in the High Court of Justiciary, the selection of petty juries lay almost entirely with the judge. The sheriffs, before circuit, sent lists from their various counties to the judge; the judge, from those lists, nominated the 45 jurymen who should meet him at each assize town for the purposes of business; and the very same judge afterwards, in court, selected from his own list of 45, the jury of 15 by which prisoners were to be tried. The third objection which he should take to the existing system was a short one: neither prosecutor nor prisoner, as the law now stood, had the power of challenge except for cause. Deafness, dumbness, madness, and minority, were admitted to be legal grounds of challenge; but there was not that right of challenge, so necessary to the purity of trial—the challenge for supposed prejudice, favour, or affection. If these practices were objectionable in the high Court of Justiciary, in the minor, or Sheriff's Court, their operation was more dangerous still. The Sheriff, who was judge of that Court, selected the jury altogether; he made out the first list, struck the 45, and selected the 15: after this, the verdict was only the decision of a majority; and yet there was no challenge, except for cause, allowed the parties. In Edinburgh, where the sittings of the Court of Justiciary were permanent, the principle was the same: the judge picked the jury of 15 from lists supplied to him by the clerk of justiciary. The measure by which Mr. Kennedy proposed to remedy these evils was extremely simple, though two-fold in its operation. He meant to deprive the judge of the power of selection from the forty-five, leaving the choice of the fifteen to be determined by ballot; and, of course, as a corollary upon that proposition, the right of challenge for favour would follow. The hon. member then adverted to the opposition which his bill had received from the right honourable the Lord Advocate, and read a circular which that honourable and learned person had transmitted to the sheriffs of counties just previous to the head courts of May, 1820. In that circular, the Lord Advocate invited county discussions upon the measure, and intimated that his own opinion was by no means in its favour. It was rather curious that all the petitions that had been presented to the house against the bill, echoed precisely the feeling of the hon. and learned Lord Advocate's circular. He (Mr. Kennedy) fully acquiesced in the excellence of the Scotch criminal law, but he did not think on that account that its weak points were to be held sacred, nor did he think that country gentlemen assembled at county meetings were likely to be the best judges upon points of legal expediency. As to the objection that this was an attack upon the criminal law of Scotland, he defied any man to put his hand upon his heart, and say that such could be its effect. He would admit that the present system had many advantages in some of its parts; but would it be said that because those advantages existed, an abuse connected with them should not be remedied? Another objection which he anticipated was, that this was the commencement of a series of changes affecting the law of Scotland. Now he must observe, that unless some particular disadvantage could be pointed out as arising from this bill, such a general remark ought to have no weight against it. It ought to rest upon its own merits, and not to be judged by what might be the future intentions of himself or any other member upon other subjects. The honourable gentleman then proceeded at some length to cite cases from ancient and modern writers on the Scotch law, to prove the inconvenience and disadvantage arising from the want of a right of challenge on the part of the accused. In addition to these, he mentioned a case which occurred about five or six years back. It was the case of an individual who was charged with (we believe) an assault. It came before a sheriff who was newly appointed, and who was in a great degree a stranger to the county in which he was appointed. On looking over the list of 45 jurors, he found that the names of 15 of them were marked with a cross, by the sheriff-depute, or by some other officer of the court—which cross denoted that they were selected as fit and proper persons to try the accused. The consequence was, the accused was tried and unanimously condemned and sentenced to banishment from his country. He cited this as a case in illustration of his objection to the system. He would now come to that which he felt to be a painful part of his duty, but still he felt it his duty to notice the case to which he should briefly allude, as it bore upon his argument. The case was one of very recent occurrence—one which had lately much occupied the attention of the public in the northern part of the kingdom. The house, he was aware, already anticipated the trial to which he alluded; and when he mentioned it he begged to be understood as giving the highest credit to the conduct of all parties connected with that investigation—judges, jury, and prosecutors. But it did appear from a letter produced on the trial, that a judge who might have sat on the trial, had been consulted on the circumstance which led to the fatal result. That learned and respectable individual had so far inter-

ested and connected himself with the transaction, that from a sense, and a most proper, and to him highly creditable, sense of duty, he felt obliged to absent himself from that, which, under other circumstances, would be a most imperative and important discharge of his judicial functions. He would not dwell further upon this circumstance, but would show its application to his argument; and with that view he would observe, that suppose that—which was very likely to have happened—this letter had not come to light, and, what might have been equally probable, that the case was tried in Perth before two judges, of whom this judge was one, or, as might have occurred, before this judge alone, then he could not decline to nominate the jury. (*hear, hear.*) He would not press the application farther, nor would he have mentioned the fact at all, but that a triumphant call for cases having been made on the other side, he felt it would have been a dereliction of his duty if he had omitted this one, which was so much in point. He did not affect to possess more than a slender knowledge of this subject, but it was matter of notoriety that in treason and felony, the right of challenge to a certain extent did belong to the prisoner. Mr. Justice Blackstone, in the panegyric which he had passed upon the institution of trial by jury, observed, that nothing could be better calculated, not merely for the ends of justice, but the permanent subsistence of the British constitution. He had likewise justly remarked, that if advantageous in deciding questions of property, this species of trial must be of still greater importance in criminal cases affecting life and liberty. (The honourable gentleman here read the passage.) Now it was evident, that observations of this nature applied with yet greater force to Scotland, where there were no grand juries, and where the functions of those bodies were all vested in a single person, the learned lord on the bench opposite. (*hear.*) Though perfectly ready to acknowledge the ability and legal knowledge of the learned lord, he must still hold it impossible for him, with the multifarious business which he had to execute, to distinguish with the requisite precision what cases were or were not fit for criminal prosecution. (*hear.*) On the general subject of criminal law, he would remind the house of Mr. Justice Foster's observation, that no conduct however cautious and no character however pure, should lead an individual to suppose that the due administration of it did not concern him. It was to be recollected, then, that in Scotland, juries decided criminal cases by vote, that was, by the opinion of a majority. It was possible that a case should be decided by the casting vote of one individual, or upon a division of eight against seven. Compiling this possibility, with the rule as it respected challenges, it was evident that an accused party might find himself condemned to death or to transportation to the other side of the globe, by the casting vote of an individual whom he would have been allowed to challenge and exclude, if his trial had taken place in England, and who upon every principle of justice ought to have been excluded, as the mortal enemy of the accused. Such grievances originated chiefly in the want of a grand jury. As he before said, the learned lord could not, from his own cognizance and judgment, decide on the merits of every question that arose in the due application of the law. There was not in Scotland such an institution as a coroner's inquest. All the proceedings of the learned lord were of his own will and pleasure, all in the nature of an *ex-officio* information; there certainly was a system of deputation; this was indispensable on the circuits, as the learned lord could not be in different places at the same time; but the Advocate's depute—and he did not mean to speak of them with disparagement—were in general young persons, and of short standing at the bar. Add to all this, the great and arbitrary power of the Court which might award punishment at its own discretion. The prosecutor had the right, also, of deserting the diet, as it was called, or of postponing the trial in some cases; so that a man might be a considerable time in prison, unable to force it on. This, which might be advantageous in some cases, might be productive of hardship in others. But the court, he was persuaded, did not wish for the maintenance of a system like the present, merely because it invested them with extraordinary powers; or, if they did, it was a very good reason for dispossessing them of such powers. (*hear, hear.*) He had heard of the privileges of judges, but was sure that he should not hear such a phrase introduced on an occasion like the present. The privilege of doing wrong could be desired by no individual in a judicial office, and engaged in the performance of a sacred duty. (*hear, hear.*) It was of high importance that judges and juries should be kept as separate as possible, if the first were to remain pure and the other respectable. But the fact was, that the juries, being chosen by the judges, were commonly found to be of an obsequious character, and fully disposed to follow the opinions of the judge. He was desirous of bringing his observations to a speedy conclusion, but hoped he should be excused for briefly alluding to a proceeding that must be familiar to the house—he meant the appointment of an election committee; and he would ask, if, when the present system was devised, it had been suggested that the Speaker should nominate 48 members, how would such a proposition have been received? The house very properly felt great anxiety in the decision of such cases, but they could not regard them as of higher interest or importance than the administration of criminal law. The object of this measure was to grant



the same security to the people of Scotland in cases affecting their lives and liberty, as was already enjoyed by them in the vindication of their civil rights. He could not believe that, entertaining this view, he should appeal in vain to a British House of Commons; and it would hereafter perhaps excite surprise that a benefit of this nature was reserved for the year 1822. (*hear, hear.*) He felt that the task he had undertaken was performed in a very imperfect manner, but had some reason to believe, though the subject might be regarded as comparatively insignificant, that his defects would be supplied by the honourable friends whom he saw around him. He should conclude, therefore, by moving, that the bill in question be read a second time. (*loud cheers.*)

The LORD ADVOCATE observed, that the object of the bill was to render the proceedings in criminal cases in Scotland more similar to the English practice. Now, although such a proposition might be good in theory, yet, unless it were shown that great and serious evils sprang from the course now pursued, he thought no sufficient ground was laid for so material a change. Nothing appeared more just than that counsel should be allowed to prisoners on their trial; yet the experience of courts of law in England showed that no practical injustice was sustained by disallowing them. The present system in Scotland had existed for a length of time which it was now difficult to trace, and he had never heard of its causing the slightest injustice or oppression. By the articles of the union, each country was to retain its own laws; and though he did not of course doubt the power of Parliament, yet this was a reason for its not interfering on a question which related exclusively to the advantage of Scotland against the sentiments of the people of that country. If the people of Scotland were unanimously against the reform meditated,—and of this fact he hoped to satisfy the house,—he thought Parliament would hardly choose to adopt the plan recommended by the right hon. gentleman. The bill of the hon. gentleman was brought in at a time when there was not a single petition from Scotland, nor a single resolution of any public body in that country on the subject. He (the Lord Advocate) had thought it his duty to communicate copies of the bill to the Scotch counties, which held their meetings on the 30th of April, with his opinion respecting it. Had they approved of it, they certainly would have petitioned in its favour; but with the exception of Lanark, every county had manifested a desire that no alteration should take place. The judges, he could assure the house, were perfectly willing to surrender their powers, if it should be the opinion of Parliament that they could not retain them for the benefit of the public. The gentry of Scotland, he (the Lord Advocate) was well assured, were averse to any change of the criminal law, and believed that other projects of reform were in view—a belief that was certainly countenanced by some parts of the honourable gentleman's speech upon this occasion. He was, however, fully prepared to meet the hon. gentleman upon every point, and would maintain that if the Scotch system of criminal law was examined in all its parts, it would stand the test of comparison with any other. Its chief tendency was to deal leniently and mercifully with the accused party; and of this truth he could not furnish a more decisive illustration than by stating that, during a period in which 1409 capital sentences had been passed in England, there had been no more than 18 in Scotland—a difference which, allowing for the greater population of this country, amounted to the proportion of 18 and 235. A strict execution of the criminal law was, undoubtedly, of the highest consequence, as the manufactures of Scotland increased, and as the population received continual additions from Ireland. If the honourable and learned member would undertake to make good his assertions with respect to the sheriff, who had returned an improper jury, he pledged himself that as far as he (the Lord Advocate) was concerned, that sheriff should be removed. With regard to the bill before the house, he expressed his surprise that the honourable and learned gentleman opposite, who had expressed such a desire to follow the law of England, had not followed it altogether in the measure which he had introduced. He vindicated the Scottish law from the reflections which the hon. and learned gent. had cast upon it, and contended that challenges for cause to jurymen were as liberally allowed in Scotland as in England. In conclusion, he expressed a hope that the house would not press upon the people of Scotland a bill like the present, to which he had no hesitation to assert that the greater part of its population was decidedly averse.

Sir J. MACINTOSH said, that the arguments of the Lord Advocate were of two natures—some of them were general, others were specific. The learned lord's general argument was, that the reformation proposed by this bill was founded upon theory—an argument by means of which the enemies to reform were accustomed to disguise their hostility to common sense. That kind of argument reminded him of the observation formerly made by a man of wit, that no man was an enemy to reason, until reason had shown herself to be an enemy to him. That was the first objection of the learned lord. His second objection was, that there was no distinct grievance alleged or proved under the present law. His third objection was, that the change proposed in it was not called for; or, rather, that it was objected to by the people of

Scotland. Before he entered upon the general question, he would just remark, that all the objections which the learned lord had just made to this bill had been made to the bill which abolished heritable jurisdictions, and had been over-ruled by Lord Hardwicke and the British Parliament. Here Sir James Macintosh read several extracts from a speech of Lord Hardwicke, to show that he supported the bill for the abolition of heritable jurisdictions on the very grounds that the Lord Advocate had that evening reprobated the present bill. He contended that the learned lord had stolen all his topics of opposition from the Jacobites of 1747, which at that time were passed over in contemptuous silence by Lord Hardwicke, as not deserving the compliment of a reply, and were completely over-ruled by the British Parliament. The Jacobite lords of 1747 had also anticipated another objection of the learned lord—for indeed all his arguments came from the Jacobite mint—they had said, as the learned lord now said, that no complaint had been made against the inconveniences of the old law. That assertion, however, he must deny; as also another which the learned lord had made—that the population of Scotland was hostile to this measure. As well might the learned lord have objected to the introduction of the trial by jury in civil cases, which was the greatest benefit that could have been conferred on Scotland since the union, except the abolition of heritable jurisdictions, as now to come forward and oppose this bill—the same argument would apply against the one as the other. With respect to peremptory challenge, he must say he thought it an essential part of the trial by jury, and ought not to be denied in such a case as this. The learned lord said that its exercise would indeed impose more trouble upon the tribunals of Scotland, who would have to extend the period of their sittings, and the list of their jurors in consequence. Was the delay of an additional day or two in Inverness or Aberdeen for the judges, to be put in competition with this advantage for the protection of the public interests? but then the learned lord said that the number of prisoners was in Scotland small, and therefore this delay was unnecessary. What then became of his argument of inconvenience, when none was felt in England, where the numbers were comparatively so much larger? If it were convenient in England, how could it be inconvenient in Scotland? If, then, in England where the numbers were so much larger, the practice was found safe and good, why anticipate that it would be the reverse in Scotland? (*hear.*) That part of the law of Scotland which gave a list of witnesses by inference, conferred the peremptory challenge, for without it of what use was the list? Of what use was the detection of false witnesses, if it were made before a predetermined jury, not one of whom could be previously objected to by the prisoner. And in Scotland it should be recollected, that a majority of jurors could pronounce condemnation, while in England unanimity was enjoined before the prisoner could be convicted. The mode in which juries were elected, or rather picked out—for what was the phrase used in Scotland,—was exposed to much mistrust. It was known that the judge nominated the jury in Scotland, and a recent occurrence strongly illustrated the impropriety of the existing practices. It was known that, on a late unfortunate occasion, Sir Alexander Boswell consulted a Scottish Judge, and obtained his consent to the nomination of his brother as his friend in a duel, which brother and Sir Alexander might, and Mr. Stuart had the misfortune to fall in that combat, been tried at the Perth assizes before the same judge who had assented to the appointment of his brother as second, that judge having at the same time the power of nominating the jury empanelled to try the cause. (*hear, hear.*) Was it safe or expedient that the possibility of an occurrence so fatal to the administration of justice should be suffered to remain, when there was a plain and easy mode of getting rid of it by this bill? The occurrence which he had related was a detected case: how many of a similar kind had passed away undetected, it was impossible to say. What was detected in one case might have occurred in one hundred, and nothing could be more unfortunate than the existence of such a discretion in a judge. In England a jury was given for the purpose of protecting the subject, and also to control the judge, whose appointment by the Crown necessarily exposed him on particular occasions to jealousy, whatever might be the integrity and virtue of the individual. Such a state of things ought to be amended. With respect to the Scotch judges, he (Sir James Macintosh) well knew, and had repeatedly proved, their probity and honour; nor did he believe that these qualities were more conspicuous in any set of men, than they were in those learned individuals, with many of whom he had the honour of being acquainted. But when the question was one of control to be put on existing Governments, in regard to any particular institution connected with the administration of justice he must be allowed to say, that between lords, advocates, and members of opposition in the English Parliament, he must claim a right of challenge. (*a laugh.*) He was much mistaken, if the effect of trials by jury on the moral character and feelings of the people was not even greater and more beneficial than the immediate advantages resulting to a country from this wise and noble institution—highly as he was at all times disposed to value them (*hear, hear.*) In all the observations which he had been enabled to make upon the constitution and the laws of this kingdom, nothing had struck him as so decidedly operating to form the character of the English peo-

ple, as the circumstance of their possessing the privilege of trial by jury. One of the happiest peculiarities which attached to that privilege in England, was, that jurors, or persons chosen to serve as jurors, were for the most part taken from among the middling classes of society. This selection gave them an idea of their own real importance as members of a free state, while it conferred on them a greater power, and left to them the exercise of a larger and more important discretion than in any other case they were likely to possess. It could not but be highly animating and advantageous to such men, to find themselves called upon to express their judgments upon the matters which the utmost ingenuity and wit of man have been actively endeavouring to elucidate. Hence it was that experience, reflection, and the immediate perception of the benefits arising from a venerable institution, combined to form the prominent feature in the English character—a character he should not rate too highly in saying that it was, perhaps, without an equal in the history of the world. To this institution, which taught obedience at the same time it inculcated independence, he traced that great sense of justice, and that perception of law, which rendered the English the most honourable among the nations of the globe (*hear*)—which taught the meanest subject to know generally the nature and extent of his duties and his rights—

“ While e’en the peasant boasts these rights to sear,  
“ And learns to venerate himself as man.”

(*hear.*) If he was right in this estimation of the advantages which trial by jury conferred on the people of England, he could not but believe that the moral, brave, and pious people of Scotland were equally entitled to participate at least in those advantages. (*hear.*) The sentiments of humanity and honour, which this institution was found to diffuse among men, were conspicuous even in times when civil commotions had unhappily broken out among them; for the horrors and evils of intestine discord were least experienced in countries where trial by jury was retained. It was upon these grounds, and in the belief that some small extension of the principle of selecting juries must prove highly advantageous to the national character and happiness of Scotland, and that he would support the second reading of the bill.

(A message from the Lords was here announced—their lordships were stated to have agreed to the colonial trade and other bills.)

Lord BINNING could readily imagine, that the audience before which this question had been introduced, consisting as it did almost entirely of gentlemen who had been trained up under a system of judicature which they were very naturally disposed to consider the best and most perfect that could be devised, would feel inclined to graft some portions of that system on another, which was of an entirely different, and (as they might conceive) inferior nature. He deprecated the sneering encomiums which had been passed by the honourable and learned gentleman (Sir J. Macintosh) on the Scottish Judges; many of whom he said he had the honour of knowing. The way in which that honourable gentleman had spoken, might teach those venerable individuals to protest against such an advocate. The same honourable and learned gentleman had talked a great deal about a letter, written by the noble and learned lord (the Lord Advocate); and which he (Sir J. Macintosh) had described as calling on the servile herd of Scotch members, to make their appearance, in order to give effectual opposition to the bill. These hon. gentlemen disdained any such imputation. (*hear, hear, from a Member on the Opposition side.*) He (Lord Binning) was pleased at hearing a cheer from an honourable gentleman who knew nothing about Scottish juries, who had nothing to do with Scotland. (*a laugh, and cries of “hear, hear.”*) That honourable gentleman was not at all connected with Scotland. In the speech which the house had just heard, it had been rather intimated that an old and intimate friend of his (Lord Binning’s) had mixed himself up with that unfortunate affair, which he would not more particularly designate, in such a way that on a recent trial the individual in question (Lord Meadowbank) was necessarily absent from the judiciary bench. This insinuation rested on a letter, in which the late Sir Alexander Boswell, addressing himself to the brother of Lord Meadowbank—to the gentleman whom he was desirous of having for his friend in the affair (with Mr. Stuart), said, “I saw your brother this morning: and his lordship seemed to think that you would be my friend.” Now what blame did this show as attaching to Lord Meadowbank himself? Sir A. Boswell went to consult his intimate friend about settling his wordly affairs; and though it might not have been quite prudent in Sir Alexander to do so, yet, God knew that he (Lord Binning) would be the last man in the world not to make every allowance for the agitation of the moment. For a man who was the father of a family, and who found himself placed in a situation of this kind, not to have considered, that though he was consulting a friend, that friend was also a judge, might be unfortunate; but surely it would be no matter of surprise. (*hear.*) What, then, would his lordship (Lord Meadowbank) do in this unhappy case? The matter was already settled—the bolt was shot. But Lord Meadowbank did not appear on the bench: and why did he not appear? Not because he was mixed up with the transaction, but because of his own personal feelings. He naturally must have felt

much on such an occasion in which a dear and intimate friend had perished by the hands of another friend and relation of his own. But he (Lord Binning) desired to warn the house against such innovations as those which this bill went to propose. They would not stop here. In fact, the honourable member for Durham had given notice, that he meant to bring forward a motion, directed in some sort, against the prosecutor-general of Scotland; and from the zeal of that honourable and learned gentleman it was to be expected that that terrible Leviathan, the Lord Advocate (*laughter*), would fall dead at his feet. (*a laugh.*) The same honourable member was anxious, too, to engraft the system of grand juries on Scotland. Let the house, therefore, be on its guard against the progress of innovation. If the judge could not be trusted with the power of striking a jury, he ought not to be trusted with the power of deciding upon the law. He wondered that his honourable and learned friend (Sir J. Macintosh) had stumbled upon the Jacobite arguments regarding heritable jurisdictions, and thought it could only be attributed to some ancient and lurking partiality. Heritable jurisdictions were a positive grievance, but here no grievance existed; and if trials by jury in civil cases had been introduced into Scotland, it was to be recollected that the country was generally favourable to the measure; whereas it was decidedly hostile to the bill before the house. No evil had been made out: it was impossible that the judge should be partial or exercise any partiality regarding cases of which he knew nothing until he arrived at the place where they were to be tried. He begged the house to reflect upon the importance of this alteration in Scotland, and upon the interest felt by the people regarding it, and deeply regretted that the discussion began and would probably terminate in so thin a house. (*hear.*) Members ought better to have known their duty; those who thought the change a boon ought to have been present to support it, and those who thought it an injury ought not to have neglected this opportunity of resisting its infliction upon their country. Having compared briefly the advantages possessed by a criminal in Scotland, before trial, with the disadvantages under which an offender laboured in England, his lordship sat down by expressing his decided opinion against the second reading of the bill.

Mr. TWISS was anxious to state a few reasons why he should vote for the second reading of the bill. As it was connected with the administration of justice, it would not be viewed as a party question. He supported it the more readily because it stood alone and apart, and did not at all necessarily imply that any further changes would be the consequence. The noble lord who had just sat down had adverted to the preliminary advantages enjoyed by a criminal in Scotland; but if at the time of trial he could not obtain a fair and impartial jury by means of the right of peremptory challenge, those advantages were worse than useless. It was excellent to be forewarned, if, in the words of the proverb, “to be forewarned was to be forearmed;” but in the case of the Scotch offender, it was rather an aggravation to be forewarned of the array against him, when it was to end in the decision of a packed jury. In Scotland it was not to be forgotten that no private prosecution as in England, but the whole influence of the Crown was brought into the field against a prisoner. If the house were not disposed to grant the choice by ballot, the argument in favour of a right of peremptory challenge became ten times the stronger. A trial there, under the existing system, might be by a judge alone, if he were careful in selecting a complying jury; and perhaps the more conscientiously convinced of the correctness of his opinion on a particular case a judge might be, the more anxious would he be to obtain a facile jury. Besides, how could we be sure in after times of turbulence and political rancour, that partial judges might not be found upon the bench, since we had seen in our own country, that when the waves of party ran high they had dashed the foot of the justice-seat itself? The hon. gent. then drew a short comparison between the case of Gerald in Scotland in 1794, quoted by the hon. mover, and a very similar case of challenge in England about the same date, and contended, in conclusion, that if it were even possible that the judge might be corrupt, or the jury partial, sufficient ground was afforded to support this bill.

Mr. PEEL agreed that the only principle that ought to guide the house was this—whether the administration of justice in Scotland could be improved? He was disposed to think that it was not fit to alter the old system of judicial selection, but the more firmly it was adhered to, the more proper did it seem to grant peremptory challenges. (*hear.*) He should, therefore, vote for the second reading, and in the committee an amendment could be proposed in order to preserve that part of the existing law with which the house ought not to interfere. As to selection, he doubted much whether a better jury might not be chosen by the judge than was likely to be obtained by ballot.

Mr. DRUMMOND also supported the second reading: and the question being called for and put from the chair, it was carried in the affirmative, without a division.

The bill was accordingly read a second time, and the committee upon it was fixed for Monday next.



# ASIATIC DEPARTMENT.

—587—

## Government Gazette Extraordinary.

### ADDRESS FROM THE BRITISH INHABITANTS OF PENANG.

On Tuesday, the 26th of November, Major COOMBS, Town Major of Fort Cornwallis, waited upon the Most Noble the MARQUESS OF HASTINGS, deputed by the Honorable Mr. PHILLIPS, Governor of Prince of Wales' Island, to present from him a Letter, accompanied by the following Address from himself and the British Inhabitants of that Settlement, on the occasion of his Lordship's approaching relinquishment of the Government of India:—

### TO THE MOST NOBLE THE MARQUIS OF HASTINGS.

MY LORD, The hour now approaches, when British India is to be deprived of the Model which your Lordship's Character has afforded for its humble imitation. Not to deplore the loss of Talents and of Virtues so rare and so conspicuous, would be impossible; but the pain is, in some measure, alleviated, by knowing that you are returning, in the fullest gratification of the best ambition—still further by your Counsels to serve your King and your Country. And may we hope that amidst the duties and the splendours of your high lot, India and her Gratitude may not be forgotten!

The bright career of your Lordship's Military glory is still fresh in our memories; and though time may have softened its lustre, the results are widely and deeply felt: It is no more prophecy—the most sanguine hopes have been realized. The people are no longer harassed and oppressed—not a single horde of Banditti exists—the Pindarries have become a name in History: An overflowing Treasury,—a happy Peasantry, and a contented Soldiery have been the unusual consequences of your Lordship's conquests; and prove beyond argument, the wisdom of the measures which Vigour enforced, and, in one instance at least, that extended Territory occasioned by just and necessary War, has not been injurious to the Conquerors, whilst incalculable benefits have been showered on the Conquered. It scarce can be called Conquest. It was throwing over the settled cultivators of the soil the shield of Peace and of Law; protecting them against the rapine and violence of foreign and erratic Barbarians. Bright, therefore, as are the exploits of arms, we hail with more unalloyed delight, your milder deeds of Peace. An increased Revenue, collected impartially, and without extortion, an equal administration of Law, an improved Police, the establishment of Schools, have been the successful objects of your Lordship's solicitude. These have produced, as natural results, security to Property; and improvement of Morals; and, if it shall please Heaven, in its own good time, (for we deprecate premature zeal) they shall gradually advance the eradicating of superstitious Customs, and lay the foundation for the substitution in their stead, of the milder tenets of Christianity, the work of the Statesman will be complete.—These measures have not only raised higher, and confirmed, the Power and Wealth of India, but have enabled India to repay the debt of Gratitude which it owes to England for her fostering protection. Unborn generations shall be blessed by them. They have raised a moral Monument to the British Character in every way superior to the Palaces, the Tombs, and the Mosques, of Native Emperors, and which are now in ruins.

As Inhabitants of a British Settlement in the Eastern Seas, we are further more especially called upon to solicit your Lordship's acceptance of our heartfelt Acknowledgements, for useful and comprehensive Measures, in order to uphold the British Name, and open new channels of Commerce among the Eastern nations.

We feel, My Lord, that in your goodness you will not think us presumptuous, in thus addressing you; for small as is our Society, and distant as we are from the immediate influence of your countenance. We know and revere the pure Honour and Noble Manners, which have elevated you in Public Estimation, beyond even your exalted rank; and endeared you in private to a de-

gree which no authority of power could produce. That Public Honors and Private Blessings may continue to flow upon you is, and shall be the Prayer of your faithful Servants. And, if we should not be presuming too much, you would confer a lasting Obligation, by enabling us to place your Lordship's Portrait amongst some of your valued Predecessors in the Government House of this Presidency.

W. E. Phillips	John Weir
J. Macalister	F. Ferrao
W. A. Clabley	Chas. W. H. Wright
Ralph Rice	James Pearl
Jos. O'Halloran,	M. A. Banbury, Lieut. 20th Regt.
Wm. Balhetchet	G. Emley, 1st Lieut. Artillery
R. Ibbetson	Geo. E. Britten, Lieut.
John Anderson	Nathaniel Bacon
Jas. Carnegie	A. J. Kerr
Richd. Caunter	W. Caunter
W. S. Crauford	W. H. Hewett, Capt. 20th Regt.
Johnstone McIntyre	H. Burgey, Lieut. do.
T. Rodyk	J. O'D. Macgrath, Lt. 20th Regt.
William Cox	F. V. Macgrath, Ens. 20th do.
John Ince	T. M. Goudo
Thomas Beighton	G. Thomson, Ens. 20th Regt.
Geo. Porter	H. L. White, Capt. 18th Regt.
Robt. Scott	Geo. Alexander, M. D.
D. Brown	E. S. Blundell
H. Scott	K. Murchison
Geo. Scott	D. Ramsay, Asst. Surg. 20th R.

The Marquess of Hastings was pleased to make the following Reply, which Major COOMBS has been requested to convey to Prince of Wales' Island.

To the Honorable Governor W. E. Phillips, and the other Gentlemen who Subscribed the Address to the Marquess of Hastings.

HONORABLE SIRS AND GENTLEMEN,

No Common tone of Acknowledgement would Correspond to the terms in which you have been kind enough to address me on my approaching departure from India; nor is it with ordinary feelings that I reply to such warm expressions of your favorable Sentiments.

Could I be capable of such Vanity as the assuming to myself literally what you have with splendor of coloring depicted, I should indeed be flattered to the Extreme. With all the defalcation, however, which I must rationally make, enough remains for high satisfaction. Your Partisanship to me personally is a peculiar Gratification; since its very exaggeration is a proof of a Good Will which I strongly coveted; and your just appreciation of what has been effected in these Regions through the admirable Energy of those (whether Civil or Military) on whose Support I rested, confirms me in a pleasing persuasion of the Beneficial Objects attained. I do, indeed, join with you sincerely in reckoning upon a permanent advantageous Change in the Condition of a vast portion of the Indian People. Security and Leisure will afford opportunities for the active Influence of the Moral Instruction which we labor to disseminate; and Moral Instruction cannot be diffused without promoting the Happiness of Society. Were this anticipated merely in a moderate Circle, there would be comfortable reflection in having contributed even in a minor degree to such a consequence; but when one looks to the Immense Population to which it is to be hoped this Powerful Agency will apply, there is triumph in having co-operated in a purpose so worthy of our Country, tho' my share in the effort may not have gone beyond the giving Impulse to the able Instruments around me.

Accept, I entreat you, my most Cordial Thanks for the Compliment with which you have honoured me. I must be proud in having my Portrait placed among you as a Testimonial of Reciprocal Esteem; and I hope it will never be contemplated by any of you without a conviction of the Gratitude which you have impressed on

Your faithful and obliged Servant,

Calcutta, Dec. 10, 1822.

(Signed) HASTINGS.

**Public Entertainments.**

The Public Assembly at the Town Hall on Wednesday Evening was very thinly attended, compared with the usual number of Visitors during the Assemblies of the Cold Season. It was near ten o'clock before a sufficient number of persons were present to commence the Dance, when the Ball was opened by Quadrilles.

The company increased slowly towards eleven o'clock, when Country Dances were entered on with much spirit. Several of the Lancers were present, and other Military Officers, which contributed to enliven the scene. The Band of His Majesty's 44th was in attendance, and played in excellent style during the Promenades: but on the whole, the Assembly appeared to us to be the least attractive and least attended of any that have yet been held during the present Season.

Mr. Linton's Concert is the next Public Entertainment in succession, and takes place at the Chowringhee Theatre this evening: the Doors opening at seven, and the Concert commencing at a quarter before eight o'clock. We hope it will be attended as fully as the excellent arrangement of the Director and the judicious selection of Pieces for the occasion deserve. To the lovers of Music the mere enumeration of these will be a sufficient attraction; we therefore introduce them here:—

**PART THE FIRST.**

OVERTURE, ( <i>Occasional</i> )	.....	HANDEL.
ARIA, ....	<i>Non Pin Anrai</i> , .....	MOZART.
GLEE & CHORUS, ....	<i>When the Wind Blows</i> , .....	BISHOP.
POLACCO, ..	<i>Violin</i> , .....	ROSQUELLES.
ARIA, .....	<i>Il Mio Tesoro</i> , .....	MOZART.
MADRIGAL, ..	<i>Since first I saw your Face</i> , .....	FORD.
RECITATIVE and AIR, ..	<i>In Native Worth and Honor Clad</i> , (CREATION,) ..	HAYDN.
MARCH and CHORUS, ..	<i>See the Conquering Hero Comes</i> , ..	HANDEL.

**PART THE SECOND.**

OVERTURE, ..	<i>Il Turco</i> , .....	MOZART.
GLEE, .....	<i>Alice Brand</i> , .....	DR. CALCOTT.
SCENA, ....	<i>From Schiller's "Mary Stuart"</i> , ..	ZUMSTEEZ.
CONCERTO, ..	<i>Flute</i> , .....	.....
RECITATIVE and AIR, ..	<i>Arm Arm ye Brave</i> , .....	HANDEL.
GLEE & CHORUS, ....	<i>Viva Enrico</i> , .....	PUCITTA.
RONDEAU, ..	<i>And has she then failed in her truth?</i> ..	BISHOP.
FINALE, ..	.....	MOZART.

On Monday the 16th, a Ball and Supper is announced at the Government House.

On Wednesday the 18th, the postponed Fancy Ball in Chowringhee will take place.

On Thursday the 19th, there will be a Play at Dum-Dum, when *All the World's a Stage*, and the Farce of *Hartford Bridge* will be represented.

On Friday the 20th, the Farewell Entertainment will be given to the Marquis and Marchioness of Hastings at the Theatre, when *The Jealous Wife*, and *The Review, or the Wags of Windsor* will be performed: and a Farewell Address will be recited on the occasion.

On Monday the 23rd, another large party will be given in Chowringhee.

On Wednesday the 25th of December, the regular night for the Assembly will again return.

On Friday the 27th, the Third Concert of Mr. Linton will probably take place.

On Monday the 30th, the Entertainment of a Ball and Supper to the Marquis and Marchioness of Hastings, will close the Catalogue of Entertainments to the end of the year; and Wednesday the 1st of January, is said to be fixed for the departure of His Excellency the Governor General and the Marchioness of Hastings from India.

**Letter of Dr. Tytler.**

Sir,

To the Editor of the Journal.

It would be totally contrary to my notions and literary good breeding to omit returning the thankful acknowledgements, I conceive due for the very handsome compliment which is paid me by your Correspondent YACOB TONSON in a recent number of your Paper. That gentleman observes, my writings are "received with distrust by all who do not judge for themselves." This, Sir, indeed an exalted eulogium, one which I prize far more than words can be found by me adequate to express. It fully answers all my wishes, and on this side the grave I entertain no higher desire, than that what proceeds from my pen should be received without distrust, by those, who possessing the noble qualities that enable a man to form a judgment for himself, are so unfettered by base subserviency (the intolerable vice of this country) as honestly to avow their opinions unbiassed by any influence besides the operation of the intellectual faculties of their own minds.

Next to the happiness of knowing that my doctrines, and for the advantage of my fellow-creatures, have given a new tone to Medical Science, it is thus my proudest boast to be able to say, I have read in print, that my writings "are received without distrust" by that high minded, and liberal class of individuals who "judge for themselves."—Your obedient Servant,

Allahabad, Dec. 4. 1822.

R. TYTLER.

**New Settlement.****EXTRACT OF A LETTER FROM PRINCE OF WALES. ISLAND.**

Received by the last Ship from thence.

I am happy to apprise you, as an old Penang Knight, that our Government have at length turned their attention towards improving the Territory opposite to this Island, ceded to the Indian Company in 1801 by the King of Queda. The dimensions of our tract are about 28 miles long and about 3 miles broad throughout, and you know that Sir George Leith secured its cession to us not only to remove His Majesty of Queda from our immediate neighbourhood and prevent any future "Fight of Praya" (see Leyden's Remains, page 274), but to enable us to produce our own supplies of grain and poultry for which we have always been dependent on Queda to a very great extent, I have been told so much as 70,000 maunds of grain and about 100,000 ducks and fowls have annually been imported here from His Highness's country alope.

Nothing further than obtaining this tract was however done until a year or two ago, when our present worthy Governor gave the inhabitants residing there suitable Police and Military Establishment; and lately, in consequence of the devastation of Queda by the Siamese, further measures have been adopted with the view to encourage Settlers and increase the cultivation of Land there.

A Commission has been appointed by Government for superintending the affairs of "Point Wellesley," and one of the Civil Servants, Mr. Maingy, has gone over and taken up his residence on the opposite shore, whereby incalculable confidence has been given to the Inhabitants. The population is increasing fast. There are already 9 or 10,000 people collected together, and 2 or 3,000 acres of paddy planted out. I was over there the other day, and am confident from all I said, that if Government persist in their present course of encouraging Settlers and Cultivators by making small advances of money, the whole of the opposite shore will very soon possess a numerous, well behaved, and industrious population, and be covered with plantations of coffee, spices and pepper, all of which thrive beautifully there, as well as paddy, gram, Indian corn and cocoanuts.

How much such measures as have lately been adopted were wanted, and how useful they will prove there, any one may judge from the following fact:—Of the six Executions which have taken place at this Island during the last 5 or 6 years, 5 were for crimes committed on the opposite shore!



## General Martin's Property.

We understand that on Monday last, the 9th instant, the Property of the late General CLAUDE MARTIN, amounting to the enormous Sum of Sixty Rupees 2,812,405-13-4, or nearly Three Hundred Lacks of Rupees, was formerly delivered over by Messrs PALMER and Co. of this City, into the hands of Edmund Macnaghten, Esq. the Master in Equity, pursuant to an Order of the Supreme Court.

## Medical Discussion.

SIR,

To the Editor of the Journal.

The proper treatment of Fever and Dysentery is a subject of too much importance to be settled either one way or the other, by unsupported assertions of anonymous Writers.—Every person has a right to publish important facts, without adding his name to the publication: on many occasions it is desirable for the Writer's name to be concealed; but it is too much for an unknown person to expect, that his unfounded assertions will be credited in opposition to facts founded on Public Documents.

My sole object in writing the Letter which appeared in your JOURNAL of the 23rd of November last, was to benefit my fellow-creatures. I believe and do yet believe that the Tables which accompanied the Letter are true; and am satisfied that sufficient grounds for my belief exist. But, although my mind is satisfied on the subject, I cannot assert the Tables are true; and the LAY DOCTOR, whose production appeared in your JOURNAL of the 4th instant, and A MEDICAL MAN, whose Letter is contained in Saturday's JOURNAL (7th instant), having declared that Documents exist which will prove that the said Tables are false,—that they are not worth a straw,—and will completely destroy the treatment in support whereof the said Tables are produced; I think it right, in the first place, to call on these Advocates of the Mercurial Treatment, to produce their important Document or Documents.

When the very existence of great part of mankind depends on a particular practice being salutary or pernicious, and Documents are produced to prove that practice highly pernicious, to prove it greatly destructive of human life, it is worse than trifling to say, that other Documents exist which will destroy those produced, and which will establish the salutariness of the practice in question; but, that existing circumstances render it unadvisable to give to the Public the last mentioned Documents;—that they must be seen only by certain favored Individuals. The impropriety of such proceeding is too manifest to need being pointed out.

If the Documents mentioned by the LAY DOCTOR and MEDICAL MAN exist, and they be not given to the Public, will not those who conceal them be justly answerable for all the deaths occasioned by the practice which it is said these Documents prove to be injurious? It is evidently the duty of those who possess the said Documents immediately to publish them. Wherefore, previously to farther noticing the productions of the said Mercurial Advocates, I will wait a week from the day on which this Letter appears in your JOURNAL. In the mean time should the said documents be produced, and they prove to be such as is asserted, I readily will acknowledge my error in having placed faith in the work whence the Tables which accompanied my former letter were extracted; and I will render thanks to the LAY DOCTOR and MEDICAL MAN for having materially benefited our Fellow Creatures (including my humble self) by making known the proper treatment of the two most destructive diseases with which human nature is afflicted, and of having PROVED the injurious nature of that treatment which is supported by the name of Dr. Jackson. In such case allowance may be made for all the foul language and improper insinuations proceeding from the said Advocates. But if the Document or Documents in question be not produced during the week, I will (unless satisfactory reason for the withholding be assigned) conclude that the Tables published with my letter are true; and act accordingly.

Although probably as desirous as most men of preserving the lives of our fellow creatures, I would not arrogantly have

assumed the appellation of "LIFE PRESERVER;" but this name being, ostensibly, given to me for conciseness, on such account I adopt it, and subscribe myself,

Your obedient Servant,

Calcutta, December 9, 1822.

LIFE-PRESERVER.

P. S.—In my letter of the 28th of October, there are several errors of the Press, some of them material. These errors may be rectified hereafter.

## Names to the Address.

To the Editor of the Journal.

SIR,

A NON-PRESUMER has chosen a title which though meek, must not disarm one of severity in noticing the subject of his Letter, for it is generally under the cloak of diffidence and modesty, that pride shelters its malicious insinuations. This Writer must think himself a being of consequence, and is perhaps afraid that he may be lowered in the estimation of the world when his name is seen among those with whom he does not associate. What a pitiful mind must he possess, and how despicable does he make himself in the eyes of mankind! but what adds to the disgrace is that while naming others, he has basely kept his own proud one concealed.

Instead of thinking with A NON-PRESUMER, that the parties he alludes to could not have understood the Address signed by them, I am of opinion that they and many others considered themselves as much entitled to express and testify their regret at Lord Hastings's departure as people of the first class. Equally with these they have admired his measures and applauded his Government, and the occasion certainly did not require that they should have refrained from joining in an act which was intended to be general. If any irregularity has taken place, it is in the Framers of the Address, for while the Proposers of the Meeting did their duty in calling the Inhabitants together, the Committee, who had the management of the business, ought for consistency's sake to have caused the word "BRITISH," to be kept out of the Address, and all should then have been right—as it is, however, Lord Hastings is of too noble a mind to scrutinize names. Having governed more than one class of men, he will, I am sure, consider it right, that an Address like the one voted to him, it was the duty of all to have joined, and such an Address, I am confident, is more valued by him than any partial one would have been.

Your obedient Servant,

Dec. 12, 1822.

A CHECKER OF PRESUMPTION.

## Commercial Reports.

Note.—It being difficult to quote with preciseness the prices of the following Articles, the mode of stating generally, whether they are at an advance or discount has been adopted, as being sufficient to give a tolerable correct idea of the Market.—The Exchange being at Par.

References.—(P. C.) Prime Cost of the Article as Invoiced at the Manufacturer's prices, exclusive of Freight and Charges.—(A.) Advance on the same.—(D.) Discount.

Broad Cloth, fine, .....	P. C.	0	a	10	per cent. A.
Broad Cloth, coarse, .....	P. C.	0	a	10	per cent. D.
Flannels, .....		5	a	10	per cent. D.
Hats, Bicknell's, .....		30	a	35	per cent. A.
Chintz, .....	P. C.	0	a	15	per cent. D.
Cutlery, Table, .....	P. C.	10	a	15	per cent. D.
Earthen-ware, .....		10	a	15	per cent. A.
Glass-ware, .....	P. C.	0	a	10	per cent. D.
Window Glass, .....	P. C.	0	a	10	per cent. D.
Hosiery, .....		0	a	20	per cent. D.
Muslins, assorted, .....		10	a	15	per cent. D.
Oilman's Stores, .....		0	a	15	per cent. D.
Stationery, .....	P. C.	0	a	8	per cent. A.

## CURRENT VALUE OF GOVERNMENT SECURITIES.

Remittable, .....	Premium	7	22	8	a	23	0
Non-Remittable, .....	ditto		15	8	a	16	0

**Nigel and Sempronius.***To the Editor of the Journal.*

SIR,

To see the SHACKLES, ARROWSMITHS, and WEAVERS, and all the ostensible instruments of the BULL, BEACON, and SENTINEL-System, doomed by inexorable Law to reap the wages of their iniquities, in shame and perchance remorse, within the walls of a prison,—to see them disowned and abandoned by the “high minded,” who had been discovered to have been their secret patrons,—has in it nothing to excite a moment’s surprise. There, Law is not an Oasis in a Desert, but the genial and equal protector of all; and “force and intimidation,” are “winged-words,” that have scarcely a meaning. But here, Sir, where Law and Power “lodge and dislodge by turns,” to see the constant enemies of Law writhing under its retributory lash,—to see him on whose head they have so often imprecated the compendious adjudication of a secret and closed Court, drag THEM before a solemn and open Tribunal, which they never can hope to propitiate, and where nothing but truth and right can prevail,—to see them bereft of their only shield, and smitten by a just and unimpeachable judgment,—will be a memorable and heart-cheering Spectacle on which all India may be congratulated.

INTEGER.

**Nigel and Sempronius.**

“Who can look for sweet breath from a bitter stomach, or honey from a spider!”—SIR PHILIP SIDNEY.

*To the Editor of the Journal.*

SIR,

Lord Bacon, speaking of boldness, says, “Question was asked of Demosthenes—what was the chief part of an Orator? He answered, action: what next? action: what next again? action. Wonderful like is the case of boldness in civil business:—what first? boldness: what second and third? boldness. And yet boldness is a child of ignorance and baseness, far inferior to other parts; but, nevertheless, it doth fascinate and bind hand and foot those that are either *shallow in judgment*, or *weak in courage*: yea, and prevaileth with wise men at weak times.”

NIGEL and SEMPRONIUS seem to understand this, for they rest their whole dependence upon boldness—with them boldness is first, second, and third. In their letters in to-day’s BULL, they assume with matchless impudence that the charges against the Author of the Travels in Palestine have been substantiated; whereas, to meet one assertion with another, I tell NIGEL and SEMPRONIUS that not so much as an iota of these charges has been proved.

NIGEL and SEMPRONIUS have yet to learn that an enlightened and impartial Society, like that of Calcutta, are not to be *dragooned* into opinions, but will form their judgement from the evidence that has been laid before them. Some few persons, from indolence or indifference, may not give themselves the trouble of enquiry, but such ought to consider that if they decide Against the accused without an impartial examination, they do an irreparable injury to one, who, till the contrary be proved, is entitled to expect, not from their clemency, but their justice, that they will treat him as innocent.

NIGEL and his spleenful friends very much underrate this Community, which they will certainly find neither so shallow in judgment or weak in courage as they imagine.

December 12, 1822.

CINCINNATUS

## PRICE OF BULLION.

Spanish Dollars, .....	Sicca Rupees	205	0	a	205	12	per 100
Dubloons, .....		30	8	a	31	8	each
Joos, or Pizas, .....		17	8	a	17	12	each
Dutch Ducats, .....		4	4	a	4	12	each
Louis D’Ors, .....		8	4	a	8	5	each
Silver 5 Franc pieces, .....		190	4	a	190	5	per 100
Star Pagodas, .....		3	6½	a	3	7 6	each
Sovereigns, .....		9	8	a	10	0	
Bank of England Notes, .....		9	8	a	10	0	

**Klopstock’s Messiah versified in English.**

## BOOK I.—CONTINUED.

The higher myst’ries of Messiah’s pray’r,  
God knew alone: this much for mortal ear:  
“Almighty Father, lo! the hour’s at hand,  
The suffering hour for man’s redemption plann’d,  
Chosen by Thee, thy creatures to redeem,  
I come to do Thy will: to Thee, Supreme,  
Is known what glory and what bliss were mine,  
Ere yet I spake the word with pow’r divine,  
That call’d this fair Creation into birth,  
And woke to life and love the Sons of Earth,  
To Thee, Eternal Father it is known,  
To Thee and all the hosts around Thy throne.  
How I have long’d in mercy to bestow,  
A free Salvation on this world below;  
How long this earth (before I lowly came,  
In human guise) my pitying love did claim;  
How oft I bent my sorrowing look on thee  
Canaan, the natal place design’d for me,  
And as a Brother mourn’d thy Sons’ obduracy:  
I saw and triumph’d when my cross unful’d,  
Thro’ ages beam’d Salvation to the world:  
Still for the fight I glow, as then I glow’d,  
But oh, my heav’nly Father, and my God,  
What time I drain this cup of bitterness,  
O hide not then Thy face from my distress;  
If guilty men my guiltless blood must pour,  
Forsake me not in that tremendous hour,  
Nature recoils, The trembling flesh would shun,  
That awful hour, but oh! Thy will be done!  
Myself a willing sacrifice I give,  
Resign’d to die, that sinful men may live;  
Accept for those who seek my bleeding shrine,  
My full obedience to Thy laws divine;  
And when my mission seal’d with blood is o’er,  
Me to Thy glory and Thy bliss restore;  
Thy love will then my meek submission own,  
And thro’ Eternity around Thy throne,  
Applauding Angels sing sph’wmyy triuon!”

**Selections.**

*Cape of Good Hope.*—On Sunday morning, the Rev. A. Murray, A. M. the new Clergyman of Graaff-Reinet, preached his first Sermon in the Reformed Church here. The Rev. Mr. Manger, senior Minister of Cape Town, introduced Mr. Murray to the pulpit. The discourse was delivered with great perspicuity and accuracy, that proved Mr. Murray’s extensive knowledge of the Dutch language, which he had acquired in Holland; and the doctrines exhibited and the duties inculcated therein, were of the most beneficial nature. We regret that the inclemency of the weather, which was so fatal to the vessels in Table Bay, prevented a numerous attendance. Among those present were, His Honor the Chief Justice, Sir John Truter, and several Members of the Court of Justice, (His Majesty’s Fiscal was obliged to be absent on public duty,) J. W. Stoll, Esq. the Landdrost of the Cape District, the Burgher Senate, and several Members of different Boards. We are assured, that the whole Service gave general satisfaction.

*High Treason in Acheen.*—Accounts brought by the Brig Louisa, recently arrived from Acheen, state, that an attempt had been made to poison the King and Queen of Acheen, by a Naquedah, who has been seized and put in to prison. It is the intention of the King, it is said, to assemble the Chiefs of his Dominions and to have a regular trial instituted, by whose Verdict he will be guided in awarding the Punishment.

*Allahabad, Dec. 1.*—A little after sun-set last evening, St. Andrew’s Day, a very brilliant meteor described as nearly as large as the moon, was seen shooting with amazing velocity in a westerly direction. Although the evening was cloudy, the light was sufficient to illuminate the whole horizon. It would be satisfactory to learn whether this meteor had been noticed at other Stations.—*Hurkaru.*



# ASIATIC DEPARTMENT.

— 591 —

## Government Orders.

GOVERNMENT HOUSE; DECEMBER 4, 1822.

The Most Noble the Governor General requests the Company of His Majesty's and the Hon'ble Company's Civil, Naval, and Military Servants, at a Ball and Supper, on Monday, the 16th instant, at 9 o'clock.

H. CALDWELL, Captain.

## CIVIL APPOINTMENT.

POLITICAL DEPARTMENT, DECEMBER 7, 1822.

Mr. Mordaunt Ricketts, Resident at Lucknow.

## MILITARY.

General Orders, by His Excellency the Most Noble the Governor General in Council.

FORT WILLIAM; NOVEMBER 23, 1823.

With a view to provide more effectually against the recurrence of delay and inconvenience represented to exist, by the irregular transmission of Survey Reports connected with the Barrack Department, to the Office of the Military Board; the Governor General in Council directs the republication of the following Extract from General Orders, bearing date the 16th December 1816, for the information and strict observance of all concerned.

"Considerable irregularity having been discovered in the transmission of Survey Reports in the Barrack Department to the Office of the Military Board, by which the receipt of information essential for that Board to be apprized of at an early period has been delayed; the Governor General in Council is pleased to direct, that the reports of all Surveys henceforward held in the Barrack Department, be prepared in the form prescribed by the Orders of the Commander in Chief of the 21st of August 1814, and delivered as soon as closed by the Presidents of Committees to the Commanding Officers by whom such Surveys shall be appointed to be disposed of under their direction as follows, viz.

"One Copy for the Military Board Office, to be transmitted to the District Superintendent of Buildings, by whom it will be forwarded with his remarks."

"One Copy to be delivered to the Barrack Master or Executive Officer, to accompany his estimate of probable expense or bill of actual expenditure, as the case may be, and one Copy to remain as a record in the Station Staff Office."

1. The Most Noble the Governor General in Council, with a feeling of Satisfaction proportioned to the occasion, performs a highly pleasing and grateful Office, in rewarding the holding up to the imitation of the Native Army, an honorable example of long and faithful Services, and of steady resistance to the influence of insubordination, in one of their own Comrades.

2. By a report from the Commanding Officer of the Java Light Infantry Volunteer Battalion, dated January 1816, which has but lately come under the notice of Government, it appears, that Mahmud Shah, the Senior Subadar of that Corps, and now Subadar Major of the 1st Battalion 17th Regiment Native Infantry, not only resisted the baneful Spirit of Mutiny which for a short time unhappily prevailed in the former Corps, but with many other faithful Soldiers steadily adhered to the British Officers, and with a zeal and devotion highly honorable, effectually aided in the support of their authority, thro' which means the spirit of faction was suppressed, and the guilty consigned to just Punishment. To this claim the Subadar Major has superadded that of a very long, meritorious and active discharge of his Military Duties, during a period of 45 Years Service in the Bengal Army.

3. With a view to hold up his fidelity and good conduct to the emulation of the Army at large, and to prove that the Supreme Government is never unmindful of such claims to its distinguished approbation, His Lordship in Council is pleased to direct that the Subadar Major Mahmud Shah, 1st Battalion 17th Regiment Native Infantry, shall be presented on the Parade of his Regiment with a Gold Medal and suitable inscription by the Commanding Officer in the Name of the British Government, together with the grant of an honorary allowance of (30) Thirty Sonat Rupees per Mensem for a Palanquin, for the term of his Natural Life, to be calculated from the period of the eminent good conduct and fidelity displayed by him in Java, viz. the 1st of January 1816, exclusive of any other Military allowance to which he may be entitled.

4. Circumstances connected with the preparations for the last War, and the progress of the War itself, prevented the Governor General in Council from having an opportunity of expressing the sense of Government on an occasion so honorable to the Subadar Major; but his Lordship in Council in giving retrospective effect to the grant of an honorary Stipend, has been anxious to repair the oversight thus created, and to give to Mahmud Shah the full benefit of the distinction and reward which he has merited.

5. The Officer Commanding the 1st Battalion 17th Regiment Native Infantry, will be pleased to draw the arrears of the Stipend in a separate Bill from the Deputy Pay Master at Meerut. The regular Monthly allowance in future will be drawn in abstract by the Officer Commanding the Company to which Mahmud Shah is attached.

6. The Medal so soon as prepared will be transmitted to the Officer Commanding at Loodeanah, in order to it's being presented to the Subadar Major in the most public and impressive manner, in front of the Troops at the Station.

7. His Excellency the Commander in Chief is requested to give directions that this Order be read and fully explained to every Native Corps in the Service.

FORT WILLIAM; DECEMBER 5, 1822.

Lieutenant William Sage, of the 24th Regiment Native Infantry, is permitted to proceed to Europe on Furlough, on account of his health.

FORT WILLIAM; DECEMBER 6, 1822.

Surgeon Samuel Grant is permitted to proceed to Europe on Furlough, on account of his health.

FORT WILLIAM; DECEMBER 7, 1822.

1. As it is advisable to condense into one General Order the many partial ones which have been issued as occasions required respecting Ordinance Salutes, the following rules are promulgated for observance henceforth.

2. Morning and Evening Guns are authorized to be fired at all Stations of the Army or Camps, coming under the following descriptions.

1. The Head-Quarters of the Army, and of all General Officers or Division Commands, including the Head-Quarters of the Artillery Regt.

2. All Fortresses with a permanent Garrison Staff.

3. The Head-Quarters of all District or Brigadiers' Commands, or Field Forces.

4. All Camps or Posts at which a force is stationed of, or equal to, two Corps, (Cavalry or Infantry,) with a Company or more of Artillery, or a Field Battery.

3.—Salutes to those entitled thereto, are authorized according to the regulations at all places coming within the above description, viz.—

Governor General, ..... Guns 10

Vice President in Council, and Deputy Governor, ..... 17

Commanders in Chief, Naval or Military, if not inferior in rank to

Lieutenant General, ..... 17

Chief Justice, ..... 17

Generals and Admirals, or their Flags, ..... 17

Puisne Judges, Members of the Supreme Council, Lieutenant Gene-

erals, and Vice Admirals, or their Flags, ..... 15

Major Generals and Rear Admirals, or their Flags, when Command-

ing in Chief, ..... 15

Major Generals and Rear Admirals, or their Flags, ..... 13

Brigadier Generals or Commodores Commanding in Chief, or their

broad Pendants, ..... 13

Brigadier Generals or Commodores, when so commissioned, ..... 11

Political Residents, within the limits of their authority as such, .... 11

Political Agents, at the Court only to which they are deputed, .... 9

Any of His Majesty's Ships of War not carrying a Flag or Broad Pen-

dant, ..... 9

Any other Ship, Gun for Gun.

4.—Officers inferior to Brigadier General who Command Divisions of the Army, Districts, Field Forces, on or beyond the British Frontier, or Garrisons with a permanent Staff, to receive the Salute and honors of the next Superior Army Rank, from their own Garrisons, Forces, &c.

5.—All former Orders on the Subject of Salutes or Morning and Evening Guns, are hereby annulled.

On the occasion of the approaching departure of His Majesty's 8th (King's Royal Irish) Light Dragoons from India, the Most Noble the Governor General in Council feels himself called on, and eagerly answers the call, to express the high sense entertained by Government of the eminently valuable Services of the Regiment, during a period of Twenty Years in this Country.

Their career has been marked by every thing which can distinguish a Corps. A decided spirit of energy has always illustrated their Conduct in the Field, where they have invariably exhibited to their fellow Soldiers an example peculiarly worthy of imitation; a cordial unanimity has likewise ever subsisted between the Officers and Men of the Regiment, and their Brethren of the Honorable Company's Service, who doubtless will long cherish the remembrance of a Corps, as much distinguished for their social qualities and orderly conduct as for that high principle of Military feeling which has so decidedly marked the character of the King's Royal Irish Light Dragoons.

The Governor General in Council is pleased to make the following Promotions in the Medical Department, in succession to Superintending

Surgeon A. Dickson, permitted to proceed to Europe on Furlough, to have effect from the date of the dispatch of the Ship on which he may embark.

Deputy Superintending Surgeon J. McDowell, to be a Superintending Surgeon, and Surgeon C. Hunter to be Deputy Superintending Surgeon.

The following Promotion, is also made by His Lordship in Council. *Artillery Regiment.*—2d Lieutenant Arthur Campbell to be 1st Lieutenant, from the 17th November 1822, in succession to Barnard, deceased.

Captain William Nott, of the 20th Regiment Native Infantry, is permitted to proceed to Europe on Furlough, on account of his private affairs.

The undermentioned Officers are permitted, under the extreme urgency of their case, to proceed to Europe on Furlough for one year, on their private affairs, without Pay.

2d Lieutenant N. H. Monkhouse, of Artillery—Ensign Martin West of the 4th Regiment Native Infantry.

Brevet Captain J. H. Lester, Interpreter and Quarter Master 2d Battalion 16th Regiment Native Infantry, is permitted to proceed to Bombay for Six Months from the 15th instant, on account of his health.

The Governor General in Council was pleased to make the following appointments, in the Ecclesiastical Department, under date the 22d ultimo.

Lieutenant Archibald Irvine of Engineers, to Superintend the construction of Churches at Cawnpore.

The Revd. Henry Parish, L. L. D., to be Chaplain of the Garrison of Fort William, including the Clerical duties of the General Hospital, from the 1st instant.

WM. CASEMENT, Lieut. Col. Sec. to Govt. Mil. Dept.

*General Orders by the Commander in Chief, Head-quarters, Calcutta; December 3, 1822.*

The undermentioned Officer has Leave of Absence:

1st Battalion 4th Regiment,—Brevet Capt. Snodgrass, from 20th November to 20th December, in extension, to remain at the Presidency, on Sick Certificate.

*Head-quarters, Calcutta; December 4, 1822.*

Ensign John Woodburn is appointed Adjutant of the 2d Battalion 25th Regiment Native Infantry, vice Parsons, appointed to the Commissariat Department.

Lieutenant-Colonel E. P. Wilson's appointment, on the 12th ultimo, of Lieutenant (Brevet Captain) Irwin to act as Adjutant to the European Regiment, during the absence of Brevet Captain Carleton, or until further orders, is confirmed.

Assistant Surgeon C. Mackinnon, attached to His Majesty's 8th Dragoons, is directed to do duty with the Detachment of His Majesty's Troops under orders to proceed from the Presidency to Cawnpore by water, under the Command of Captain Hall of the 14th Foot.

The undermentioned Officers have Leave of Absence:

1st Battalion Artillery,—Captain Brodhurst, from 4th December to 4th January 1823, to remain at the Presidency, for the adjustment of his accounts at the Moluccas.

1st Battalion 17th Regiment,—Ensign John Burney, from 20th December, to 20th September 1823, to visit the Presidency, on urgent private affairs.

Nagpore Escort,—Captain Lloyd from 1st January, 1823, to 1st March 1823, in extension, to proceed to the Presidency, previously to an application for Furlough.

JAS. NICOL, Adj. Genl. of the Army.

*Head-Quarters, Calcutta; December 5, 1822*

Captain C. C. Smyth, of the 3d Light Cavalry, is appointed a member of the committee for inspecting and admitting Horses from the Honorable Company's Stud, in the room of Captain Honeywood, relieved from that duty.

Captain Smyth will receive charge of the Horses for the 3d, 5th, 6th, and 7th, Regiments, and proceed to Nusseerabad via Muttra, where he will deliver over the Horses for the 5th Regiment to Major Kennedy. Major General Sir D. Ochterlony will be pleased to order an Officer from the 6th Regiment to Nusseerabad to receive charge of the Horses for the 6th and 7th Regiments.

Lieutenant Dibdin will receive charge of the Horses for the 2d and 8th Regiments, and deliver them to an Officer of the former Regiment to be detached at Kalpee for that purpose. The latter after delivering the Horses for the 2d Regiment at Keitah, will proceed to Jubbulpore with those for the 8th, and will there be relieved by an Officer of that Corps from Nagpore.

Lieutenant Wm. Hoggan, of the 1st Battalion 13th Regiment, is appointed to do duty with the Ramghur Battalion, and directed to join.

Surgeon John Barnes is posted to the 30th Regiment Native Infantry from the 21st September last.

The appointment in Benares Division Orders of the 22d ultimo, by Major-General Loveday, of Lieutenant Gordon, Fort Adjutant of Chunar, to act as Adjutant and Quarter Master of European Invalids, during the period Brevet Captain Weston may be employed on Telegraphic duty, is confirmed.

The leave granted in General Orders of the 2d ultimo to Brevet Captain D. Williamson, of the 2d Battalion 21st Regiment, is to commence from the 5th instant, instead of the date therein specified.

The undermentioned Officers have Leave of Absence:

Pioneers,—Captain Hay, from 25th Feb. 1823, to 25th Nov. 1823, to visit the Presidency, on urgent private affairs.

2d Battalion 19th Regiment,—Ensign Bartleman, from 6th Dec to 6th February 1823, in extension, to enable him to rejoin his Corps.

1st Battalion 30th Regiment,—Brevet Capt. and Adjutant Bergner, from 5th January 1823, to 5th October 1823, to visit the Presidency, on urgent private affairs.

1st Battalion 8th Regiment,—Asst. Surg. Macqueen, from 15th December, to 15th February, 1823, to Benares, on urgent private affairs. This cancels the leave granted to Asst. Surgeon Macqueen in Government Orders of 9th November.

*Head-quarters, Calcutta; Dec. 6, 1822.*

Major General Thomas's Division Order under date the 20th November, appointing Assistant Surgeon Duff to afford Medical aid to the 2d Light Cavalry during the absence of Surgeon Grant, and Surgeon Venour to take Medical charge of the Left-Wing 1st Battalion 6th Native Infantry, is confirmed.

Surgeon J. Castell of the 6th Regiment is removed to the 2d Light Cavalry, which Corps he will join whenever he may be relieved from the situation in which he is at present officiating.

Ensign R. Menzies, of the 2d Battalion 14th Regiment Native Infantry, is permitted to do duty with the 2d Battalion 5th Regiment Native Infantry at Secrora, until further orders.

An Exchange of Situations is sanctioned between Lieutenant and Adjutant Whinfield of the 1st, and Lieutenant and Adjutant Brown of the 2d Battalion 15th Regiment Native Infantry; the former Officer is accordingly appointed Adjutant to the 2d, and the latter Adjutant to the 1st Battalion of the Regiment.

The appointment by Major Bowen, Commanding the 1st Battalion 10th Regiment Native Infantry, in Battalion Orders of the 4th instant, of Lieutenant and Adjutant McLaren to act as Interpreter and Quarter Master to the Battalion, during the Absence on leave of Ensign and Interpreter and Quarter Master Scott, is confirmed as a temporary arrangement.

The undermentioned Officer has Leave of Absence:

1st Battalion 30th Regiment,—Ensign Talbot, from 1st January 1823, to 1st May 1823, in extension, to enable him to rejoin.

W. G. PATRICKSON, Depy. Adj. Genl. of the Army.

*Head-quarters, Calcutta; Dec. 7, 1822.*

The Commander in Chief is pleased to make the following Posting in the Regiment of Artillery:

Captain James Hyde to the 2d Troop of the Horse Brigade, vice Brevet Major Whish proceeding to Europe on Furlough.

Ensign Singer, of the 2d Battalion 22d Native Infantry, is permitted to continue doing duty with the Right Wing 2d Battalion 23d, until its return to Dinapore, when he will proceed and join his Corps.

The leave of absence granted in General Orders of the 4th instant to Ensign Burney, of the 1st Battalion 17th Regiment, is cancelled at the request of that Officer.

The undermentioned Officers have Leave of Absence:

3d Battalion 25th Regiment,—Lieutenant Colonel Heathcote, from 7th December, to 7th January 1823, to remain at the Presidency, on Medical Certificate.

2d Battalion 22d Regiment,—Captain R. Newton, from 15th November, to 15th January 1823, to enable him to join.

*Head quarters, Calcutta; Dec. 9, 1822.*

Deputy Superintending Surgeon C. Hunter is posted to the Rajpootana Force, vice McDowell.

Lieutenant A. D. Gordon of the 12th Native Infantry, is appointed Adjutant to the 1st Battalion of the Regiment, vice Read, appointed Superintendent of Family Money.

JAS. NICOL, Adj. Gen. of the Army.

THE FOLLOWING ARE GENERAL ORDERS ISSUED TO HIS MAJESTY'S FORCES IN INDIA.

*Head Quarters, Calcutta; November 29, 1822.*

At a General Court Martial assembled at Meerut on Tuesday, the 24th day of September 1822, Brevet-Major and Captain Matthias



Everard of His Majesty's 14th Regiment of Foot was arraigned upon the undermentioned Charges.

**Charges.** Brevet-Major and Captain Matthias Everard of His Majesty's 14th Regiment of Foot, ordered in arrest by me on the following Charges, viz.

1st. For systematic slight affected by him in his manner towards me his Commanding Officer, on various occasions during a considerable period, but particularly on, or about the 24th and 30th Dec. 1821,—1st 11th and 26th April, 1822.

2d For disrespectful demeanour to me, his Commanding Officer, on the 5th July 1822.

(Signed) JNO. McCOMBE, Colonel, Lieut. Col. Comg. H. M. 14th Foot. Meerut, 24th Sept. 1822.

Upon which Charges the Court came to the following decision:

**Finding.** The Court having maturely and deliberately weighed and considered the whole of the Evidence for the Prosecution, and what has appeared on the defence, do find the Prisoner, Brevet-Major and Captain Matthias Everard of His Majesty's 14th Regiment of Foot, Guilty of the Charges, but without reference to the intermediate dates stated in the 1st Charge.

**Sentence.** The Court adjudge the Prisoner to be reprimanded in such manner, as to His Excellency the Most Noble the Commander in Chief may appear proper.

Approved and Confirmed, (Signed) HASTINGS.

Remarks by His Excellency the Most Noble the Commander in Chief.

The disrespectful conduct justly pronounced by the Court as substantiated against Brevet Major Everard in itself carries with it such an impeachment of the Military Character, that the Commander in Chief considers any Reproof beyond the publication of the Sentence unnecessary.—His Excellency trusts that the reflection of Brevet-Major Everard will guard him in future against a laxity which could not fail to bar his advancement, meritorious as has been his Service in other respects.

Brevet-Major Everard to be released from Arrest, and to return to his Duty.

The foregoing Order is to be entered in the General Order Book, and read at the Head of every Regiment in His Majesty's Service in India.

Head Quarters, Calcutta; November 30, 1822.

At a General Court Martial assembled at Fort William on the 12th November 1822, Private Morgan Fahy of his Majesty's 17th Regiment of Foot was arraigned upon the undermentioned Charges, viz.

Charges against Private Morgan Fahy of the Light Company of His Majesty's 17th Regiment of Foot.

For Mutiny in the following instances.

1st, For having on the Evening of the 23d of August 1822 in the Barracks of the left Wing of his Majesty's 17th Regiment of Foot, in Fort William, seized from the Arm Rack a Bayonet and therewith Stabbed Orderly Sergeant Collopy of the same Company and Regiment, his Senior Non-Commissioned Officer, while in the execution of his Duty.

2d. For having, after wounding Orderly Sergeant Collopy, and being disarmed, seized another Bayonet, daring any man take him under the risk of sharing the same fate with the Sergeant, or words to that effect, and continuing in a state of mutinous defiance until secured by many Men who surrounded him and lodged him in the Guard House of the Regiment.

Upon which Charges the Court came to the following decision.

**Finding.** The Court having heard the proceedings read over, and having maturely weighed and considered all that has been brought forward on the prosecution and defence, are of opinion, that the Prisoner Morgan Fahy is Guilty of the 1st Charge; and that he is Guilty also of the 2d Charge, with exception of the Words "under the risk of sharing the same fate with the Sergeant."

**Sentence.** The Court having found as above, do Sentence the Prisoner Morgan Fahy, Private in the Light Company of his Majesty's 17th Regiment of Foot, to Fifteen Months Solitary Confinement.

Approved; but the Sentence commuted into Twelve Months Confinement in the Gaol of Calcutta.

(Signed) HASTINGS.

The foregoing Order is to be entered in the General Order Book, and read at the Head of every Regiment in His Majesty's Service in India.

Head-quarters, Calcutta; December 1, 1822.

The Most Noble the Commander in Chief in India is pleased to make the following Promotion and Appointments, until His Majesty's pleasure shall be known.

20th Foot.—Major Thos. Chas. Green, from the 24th Foot, to be Major, vice John Hogg, who exchanges, 29th October, 1822.

24th Foot.—Major John Hogg from the 20th Foot, to be Major, vice Thos. Chas. Green, who exchanges, 29th October, 1822.

44th Foot.—Ensign William Sargent, to be Lieutenant, without purchase, vice Twiuberrow, deceased, 17th November, 1822.

Hemsworth Ussher, Gent. to be Ensign without purchase, vice Wm Sargent, promoted, ditto.

Head-quarters, Calcutta; December 2, 1822.

Brevet Captain Williams, of the 16th Light Dragoons now at Cawnpore, is directed to join and do duty with the Volunteers for that Corps, under Brevet Captain Cortlandt, of the 8th Dragoons.

The Transfer from the 17th to the 38th Regiment of Private John Welsh, as announced in General Orders of the 15th ultimo, has not taken place.

Head-quarters, Calcutta; December 3, 1822.

Captain Graham of the 59th Regiment, and Lieutenant Spaight of the 87th, are nominated, the former to command, and the latter to do duty with the Invalids of His Majesty's Service now in Fort William, exclusive of those belonging to the 8th Light Dragoons, and 47th Foot.

The Most Noble the Commander in Chief in India is pleased to make the following Appointment, until His Majesty's pleasure shall be known.

24th Foot.—Mr. Thos. Blood, Riding Master, 16th Dragoons, to be Ensign, without purchase, vice G. H. Poole, who resigns, 1st December, 1822.

N. B. Ensign Blood will continue to perform the Duties of Riding Master to the 16th Lancers, until further orders.

Head-quarters, Calcutta; December 4, 1822.

Under the Rule laid down in General Orders issued from the Department of the Adjutant General to His Majesty's Forces, dated Calcutta, 5th November 1816, the Most Noble the Commander in Chief in India, is pleased to promote the undermentioned Subalterns of 15 years standing, and upwards, to the Rank of Captain by Brevet in the East Indies, only from the Date specified against their respective names.

46th Foot.—Lieutenant Alexander Campbell, 3d May, 1821.

44th Foot.—Lieutenant Fredk. Hemming, 27th May, 1822.

Head-quarters, Calcutta; December 5, 1822.

The undermentioned Officers have received His Royal Highness the Commander in Chief's leave of absence during the month of April last, for the periods specified against their respective names.

17th Foot.—Surgeon Ardley, from 21st March to the 24th June, 1822.

24th Foot.—Assistant Surgeon Fawcett, from 25th April to 24th June, 1822.

59th Foot.—Ensign Drummond from 7th March to 24th September, 1822.

Head Quarters, Calcutta; Dec. 6, 1822.

Lieutenant Jennings of the 14th Foot has leave to proceed to the Presidency on Sick Certificate, and to be absent on that account for 6 months from the 25th ultimo.

Ensign Jones of the 59th Regiment now on his way to join his Corps, has permission to re-visit Calcutta, pending an application which he is to make for leave of absence through the Commanding Officer of his Regiment.

Head Quarters, Calcutta; Dec. 7, 1822.

Lieutenant R. Robison of the 4th Light Dragoons has leave to proceed to Europe on his private affairs, and to be absent on that account for one year from the date of his Embarkation.

Lieutenant Lewis of the 17th Light Dragoons has leave to proceed to England, where he will rejoin his Corps upon its arrival from India.

Lieut. Dobbin of the 69th Regiment has leave to return to Europe for the recovery of his Health, and to be absent on that account for two years, from the date of his Embarkation.

The Leave granted to Captain Brown of the 24th Foot to proceed to Sea for the recovery of his Health, is cancelled at the request of that Officer.

Captain M. Sherer of the 34th Regt. has permission to proceed to his Corps to England via Bombay and Egypt, for which 6 months leave of absence is granted him.

Should any further leave be required, Captain Sherer is to make application to the Horse Guards.

The Leave granted by His Excellency Lieutenant General the Honourable Sir Chas. Colville, to the following Officers of the 4th Light Dragoons, is confirmed.

To Lieutenants Parly and Sullivan, from the 1st instant, to the 31st of May next, the former to visit Bengal, and the latter Madras, on their Private Affairs.

To Lieutenant Murray, in extension to the 31st January 1823, on his Private Affairs.

By Order of the Most Noble the Commander in Chief,

THOS. McMAHON, Col. A. G.

## Stations of Vessels in the River.

CALCUTTA. DECEMBER 11, 1822.

At Diamond Harbour.—GOLCONDA, DUKE OF BEDFORD, PASCOA, EXMOUTH, FRANCIS WARDEN, and HERCULES, outward-bound, remain, —CITY OF EDINBURGH, and HIBERNIA, passed up.

Kedgerree.—His Majesty's Frigate GLASGOW.—GENERAL LECOR, (P.) outward-bound, remains.—ALEXANDER, inward-bound, remains.—LORD HUNGERFORD, passed down.—NOUVELLE ALLIANCE, (F.) outward-bound, rem ins.

New Anchorage.—H. C. Ships PRINCE REGENT, DORSETSHIRE, WARREN HASTINGS, MARCHIONESS OF ELY, and WINCHELSEA.

Saugor.—H. C. S. ASTELL, outward-bound, remains.—THETIS, ELIZA, JANE, HOPE, JAVA, (F.) and DOLPHIN, (hark), gone to Sea.

The PROVIDENCE arrived off Town on Wednesday.

The Packets for the H. C. S. ASTELL, Captain Aldham, for London, via Madras, were sent down on Wednesday afternoon.

## Passengers.

Passengers per ALEXANDER, from Benevolento Calcutta.—Lientenant Obrian, and Mr. P. Lamsdair, Surgeon. From Singapore.—Mr. D. McIntyre, Merchant.

## Military Arrivals.

Military Arrivals at the Presidency.—Lientenant Colonel W. Agnew, 1st Battalion 22d Regiment of Native Infantry, from Secapore Oude.—Captain A. Fortune, 27th Native Infantry, Aid-de-Camp to the King of Oude, from Lucknow.—Captain R. W. Baldock, Brigade Major, from Benares.—Brevet Captain C. Savage, 1st Battalion 13th Regiment of Native Infantry, from Midnapore.—Brevet Captain J. Todd, 1st Battalion 13th Regiment of Native Infantry, from Midnapore.—Lientenant J. Marshall, European Regiment, from Europe.

## Marriage.

At Patna, on the 30th ultimo, Mr. JOSEPH D'COSTA, Junior, Deputy Register in the Office of the Board of Revenue for the Central Provinces, to Miss FRANCES HURD, Daughter of the late ROBERT HURD, Esq. of Dinapore.

## Births.

At Howrah, on the 12th instant, the Lady of Doctor STEWART, Surgeon of that Station, of a Daughter.

On the 10th instant, Mrs. J. BROWN, of a Daughter.

At Jessore, on the 8th instant, Mrs. G. H. B. GONSALVES, of a Son.

## Deaths.

On the 11th instant, ELIZABETH ANN, infant Daughter of H. FERGUSON, Esq.

On the 18th ultimo, the infant Child of Mr. A. WILLSON, of Diggah.

At Mhow, on the 8th ultimo, Sergeant THOMAS JONES, of the 2d Troop Horse Brigade, aged 31 years, leaving a disconsolate wife to bemoan his irreparable loss, and his Comrades to lament the early exit of a steady good soldier and an honest man.

At Penang, on the 7th ultimo, the Reverend Father MIGUEL PEDRO RECTENUALD, Vicar of the Catholic Church of Nossa Senhora de Assumpcao, of George Town, born in Trevery, in Germany, aged 67 years. The meekness, humble demeanour and unaffected Piety of this truly good man, were so conspicuous, that they need no comment; and the assiduous devotion and fatherly anxiety and attention for the Salvation of his Flock, amongst whom he had resided for 34 years, will long be remembered with the most heartfelt gratitude. His loss to the Catholic Community is most deeply and sincerely lamented.

At Penang, on the 8th ultimo, Lientenant W. K. SANDON, of the Bombay Marine, aged 19 years; a promising youth and esteemed by his brother Officers.

At Penang, on the 17th ultimo, Captain RICHARD MACHELL, of His Majesty's 30th Regiment.

## COURSE OF EXCHANGE.

BUY] CALCUTTA. [SELL  
1 11 a 2 On London 6 Months' sight, per Sicca Rupees, ... 1 11 a 2 1/2  
Bombay 30 Days' sight, per 100 Bombay Rupees, ... 92  
Madras ditto, 94 a 98 Sicca Rupees, per 100 Madras Rs. \*  
Bills on Court of Directors drawn, at 2-6—Exchange 28 a 30 pr. ct. prem.  
Bank Shares—Premium 56 a 52 per cent.

## Commercial Reports.

(From the Calcutta Exchange Price Current of yesterday.)

	Rs. As.	Rs. As.
Cotton, Jaleon, ..... per maund	14 0 a	14 8
Catchoura, .....	11 8 a	13 0
Grain. Rice, Patna, .....	2 2 a	2 4
Patchery, 1st, .....	2 4 a	2 8
Ditto, 2d, .....	1 12 a	1 14
Moongy, 1st, .....	1 7 a	1 8
Ditto, 2d, .....	1 6 a	1 7
Wheat, Dooda, .....	1 6 a	1 7
Gram, Patna, .....	1 10 a	1 12
Dhall, Urruhr, good, .....	1 10 a	1 11
Indigo, fine blue, .....	310 0 a	320 0
Ordinary ditto, .....	295 0 a	305 0
Fine purple and violet, .....	290 0 a	295 0
Ordinary ditto, .....	280 0 a	285 0
Saltpetre, Culme, 1st sort, .....	5 12 a	6 2
2d sort, .....	5 0 a	5 8
3d sort, .....	4 0 a	4 8

Indigo—The demand for this was not very active during the week, but prices continue steady at our quotations—the market is bare of the finer qualities, and holders do not seem anxious to sell—we have heard of several sales of ordinary Je-sore at 305 to 310 per maund—we also know of a sale of Tirhoot at 290, 2 months', and Benares, a large lot, at 290, Cash—all in bond

Cotton.—We have heard of no sales in this since our last, except among the Natives, who are buying up small parcels for immediate consumption. At Mirzapore, on the 3d instant, new Bandah was stated at 17-1, Jaleon at 15 6, and Catchoura at 13 8 per local maund. At Jeagunge, on the 7th instant, new Catchoura was quoted at 13 to 13 12, sales during the week 8000 maunds, of which 6000 were for Calcutta, and the rest for country consumption—stock 20,000 maunds.

Sugar.—Continues steady, and sales going on in it at our quotations.

Saltpetre.—In fair demand, at our quotations.

Grain.—Has been in active demand during the week—Dooda Wheat and Patna Gram, have risen (the latter considerably) since our last.

Piece Goods.—In fair request, blue Gurrals and Mahmoodies, have advanced a little—Allahabad Mahmoodies, Karabad and Azeemghur Sannas, have suffered a decline.

Europe Goods.—Perishable articles looking up.

Freight to London—Still rates at £ 2-12 to £ 5 per Ton.

## The Cotton Market, September 1, 1822.

Cotton.—Bengal, Bombay and Madras, 9 to 10 tales per pecul, for good new Cotton.

Opium.—Patna 2,500 dollars per chest—Benares 2,450, and Malva 1,450 dollars, sales dull, stock on hand very large.

Cochineal 800—Quicksilver 80—Copper 21—Lead 6—Banea Tin 21—Sandal-wood, 1st sort, 16, 2nd, 13, 3d, 9—Patchouk 26—Fish-maws 60—Shark-fins 22—Mother-o'-Pearl Shell 34—Saltpetre 7—Ebony 5—Rattans 3—Pegue Cutch 5—Malacca Cutch (or Gambier) 2 Dollars per pecul—Cloves 90—Nutmegs 70—Mace 80—Beetlenut 2 to 2 1/2 dollars per pecul, dull—Pepper 12 1/2 dollars per pecul, likely to rise.

## Exports from Calcutta from the 1st to the 30th of Nov. 1822.

Cotton, to London, .....	bales of 300 lbs.	400
Sugar, to London, .....	bags	13616
Liverpool, .....		14242
Saltpetre, to London, .....		32957
Liverpool, &c., .....		3965
Dry Ginger, to London, .....		952
Liverpool, .....		396
Piece Goods, to London, .....	pieces	1590
Silk, to London, .....	bazar maunds	313
Indigo, to London, .....	factory maunds	4624

## Importation of Bullion, from the 1st to the 30th of Nov. 1822.

	SILVER Sa. Rs.	GOLD	TOTAL
From 1st to the 30th of Nov. ...	17,90,539	74,496	18,65,036
Previously this year, .....	1,72,92,156	8,30,870	1,81,23,026
Total, .....	1,90,82,695	9,05,366	1,99,88,061

The Exchange is taken at the Custom House rate, viz. 10 Rupees to the £ Sterling, and 2 1/2 Rupees per Spanish Dollar.